Analysis of Items Eliminated or Carried Over From Existing Forms to New Form N-SAR—Continued

Current form item No.	Description of items in current forms	Disposition of items			Item number in N-SAR	Brief description of modifications
		Item eliminated	Item carried over unchanged	Item carried over modified		
2	Modifications or changes in indenture or other agreements	X				
3	Material litigation	X				
4	Loads, fees, charges, expenses		X		27-38	Data is requested as to amount of fees and loads received.
5	Relationship of annual charges and expenses to income			X	77-79	These relationships can be calculated from the data requested in the new form.
6	Receipt pf payments for securities	X				
7	Receipt, custody and dispostion of income	X				
8	Distributions to security holders			X	79	During period requested.
9	Loans to security holders	X				
10	Insurance of holders of securities	X				
11	Computation of valuation of underlying securities	X				
12	Computation of redemption price	X				
13	Suspension of sales of securities	X				
14	Revocation and denial of right to sell securities of the registrant.	X				
15	Suspension of redemption of securites of the registrant	X				
16	Official and affiliated persons of depositor	X				
17	Companies owning securities of depositor	X				
18	Controlling persons of depositor	X				
19	Remuneration of depositor	X				
20	Remuneration of officers of depositor	X				
21	Remuneration of directors of depositor	X				
22	Remuneration of employees of depositor	X				
23	Remuneration of other persons	X				
24	Relationship of depositor to other investment companies	X				
25	Information required for each depositor	X				
26	Ownership of securities of the trust by principal underwriter and others.	X				
27	Remuneration of principal underwriter	X		X	28-31	New form requests data as to sales loads received by principal underwriters.
28	Relationship of principal underwriter to other investment companies.	X				
29	Brokerage commissions received by principal underwriter	X				
30	Fees of trustee	X				
31	Remuneration of adviser		X		113	
32	Provisions of governing instruments regulating investments	X				
33	Investments in particular types of securities			X	114	Rather than describing changes in investments the new form asks for the types of investments held at end of period.
34	Investments for purpose of exercising control	X				
35	Borrowing money			X	61	New form requires statement if any borrowings during period.
36	Underwriting securities issued by persons other than registrant	X				
37	Concentration of investments in particular industries	X				
38	Purchase and sale of real estate	X				
39	Purchase and sale of commodities and commodity contracts			X	114	New form requires statement of amount invested in commodities at end at period.
40	Loans to other persons	X				
41	Portfolio turnover			X	76	Change in method of calculation.
42	Other fundamental policies	X				
43	Regulated investment company			X	62	Company must state if qualified for subchapter M.
44	Status of registrant as a diversified or non-diversified investment company.			X	68	Registrant must state if diversified.
45	Statistical information regarding certificates	X				
46	Financial statements			X	77-79	Registrant must provide summary financial data.
	Form 2-MD					
FP	Name of registrant		X		1	
FP	Name and address of depositor		X		83	
FP	Name and address of sponsor	X				
FP	Name and address of trustee		X		84	
1	Information about trust property	X				
2	Information about trust agreement	X				
3	Information about contracts	X				
4	Income, charges and distributions			X	96-97	
5	Date and source of distributions	X				
6	Date and source of special distributions	X				
7	Repurchase of trust shares	X				
8	Total amount of trust shares sold during the period		X		91	
9	Describe changes in method of calculating selling price of trust shares.	X				
10	Information about sales of trust shares			X	91	
11	Information about reacquired shares	X				
12	Remuneration and payments to depositor, sponsor, trustee and affiliates of these entities.	X				
13	Amount paid to certain persons by the depositor and sponsor	X				
14	Remuneration paid by depositor and sponsor to certain persons in excess of $20,000 during the period.	X				

FP-facing page.

[FR Doc. 84-21247 Filed 8-13-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 801

[Docket No. 84N-0148]

Medical Devices; Hearing Aids; Technical Data Amendments

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a proposed rule to amend the technical data sections of the agency's regulations on hearing aid devices' professional and patient labeling to incorporate by reference an updated standard.

DATE: Written comments by October 15, 1984.

ADDRESS: Written comments are to be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David A. Segerson, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 15, 1977 (42 FR 9286), FDA published final regulations: (1) Establishing requirements for professional and patient labeling of hearing aid devices (21 CFR 801.420); and (2) governing conditions for the sale of hearing aid devices (21 CFR 801.421) (approved by the Office of Management and Budget under control number 0910-0171). The regulations became effective on August 15, 1977.

Section 801.421(b)(1) of the regulations provides that before the sale of a hearing aid to a prospective user, a hearing aid dispenser is to provide the prospective user with a copy of the User Instructional Brochure. Section 801.420(c)(4) requires that technical data useful in selecting, fitting, and checking the performance of a hearing aid be provided in the User Instructional Brochure or in separate labeling that accompanies the device. The regulation further requires that the technical data values provided in the brochure or other labeling be determined according to the test procedures established by the Acoustical Society of America in the "American National Standard for Specification of Hearing Aid Characteristics," ANSI S3.22-1976 (ASA 7-1976), which is incorporated by reference into the regulation.

The purpose of ANSI S3.22-1976 (ASA 7-1976) was to establish measurement methods and specifications for several definitive hearing aid characteristics, and to provide a method of ascertaining whether a hearing aid, after being manufactured and shipped, met the specifications and design parameters stated by the manufacturer for a particular model, within the tolerance stated in the standard. The 1976 standard provided valuable guidance to manufacturers, dispensers, and prospective users of hearing aids.

Recently, the Acoustical Society of America revised its 1976 standard to introduce significant technical clarifications. The revised standard was approved by the American National Standards Institute's (ANSI) standards committee on November 2, 1982, and adopted as ANSI S3.22-1982 (ASA 7-1982), "American National Standards Specification of Hearing Aid Characteristics."

FDA now is proposing to update § 801.420(c)(4) by incorporating by reference into the regulation, ANSI S3.22-1982 (ASA 7-1982) and thereby require that as a minimum, the User Instructional Brochure or other such hearing aid labeling include the appropriate values or information for the technical data elements specified in § 801.420(c)(4)(i) through (xii) as those elements are defined or used in ANSI S3.22-1982 (ASA 7-1982). The proposed amendment would not affect any other provisions of § 801.420 or § 801.421.

FDA advises that it intends to provide a period of 180 days after the publication of any final rule based on this proposal during which the use of either standard will be permitted.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal and has determined that the proposed rule, if promulgated in final form, will not be a major rule as defined by the Order. Although minor changes in testing will be necessary, manufacturers and distributors will not need to purchase new equipment. New testing equipment would make the testing slightly faster, but all required measurements can be made with existing equipment. Even if all the approximately 20 major and 30 minor manufacturers purchase new equipment their total cost will be $50,000 ($1,000 each). It is highly unlikely that any of the approximately 1,000 distributors will purchase new equipment. Therefore the worst case total cost estimate is slightly over $1 million if all manufacturers and distributors purchase new testing equipment. The 180 day phase-in period for the revised User Instructional Brochure should allow a virtually cost free transition. Therefore, a regulatory impact analysis is not required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities, including small businesses, and has determined that the maximum cost of meeting the revised regulation for a manufacturer or distributor is $1,000. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

List of Subjects in 21 CFR Part 801

Labeling, Medical devices, Over-the-counter devices, Prescription devices, Requirements for specific devices.

PART 801—LABELING

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201 (h), (k), (m), (n), 502, 519, 520(e), 701(a), 704, 52 Stat. 1041 as amended, 1050-1051 as amended, 1055, 67 Stat. 477 as amended, 90 Stat. 564-565, 567, 575 (21 U.S.C. 321 (h), (k), (m), (n), 352, 360i, 360j(e), 371(a), 374)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Part 801 be amended in § 801.420 in paragraph (c)(4) by revising the second and third sentences to read as follows:

§ 801.420 Hearing aid devices; professional and patient labeling

* * * * *

(c) * * *

(4) * * * The determination of technical data values for the hearing aid labeling shall be conducted in accordance with the test procedures of the American National Standard Specification of Hearing Aid Characteristics, ANSI S3.22-1982 (Revision of S3.22-1976) (ASA 7-1982), which is incorporated by reference. Copies are available from the American National Standards Institute, 1430 Broadway, New York, NY 10018, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408. * * *

* * * * *

Interested persons may, on or before October 15, 1984, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that

individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 6, 1984.

William L. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-21437 Filed 8-13-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Public Comment Procedures and Opportunity for Public Hearing on Proposed Modification to the Ohio Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of a program amendment submitted by Ohio to satisfy a condition of the Secretary of the Interior's approval of the State's permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendment submitted consists of proposed changes to the Ohio statute intended to satisfy condition (m) concerning public participation in bond release.

This notice sets forth the times and locations that the Ohio program and proposed amendment will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed for the public hearing.

DATES: Written comments from the public not received by 4:30 p.m., September 13, 1984, will not necessarily be considered in the decision on whether the proposed amendment should be approved and incorporated into the Ohio regulatory program. A public hearing on the proposed amendment has been scheduled for September 6, 1984. Any person interested in speaking at the hearing should contact Ms. Nina Rose Hatfield at the address or telephone number listed below by August 30, 1984. If no person has contacted Ms. Hatfield by that date to express an interest in the hearing, the hearing will be cancelled. If only one person requests an opportunity to speak at the public hearing, a public meeting, rather than a hearing, may be held and the results of the meeting scheduled in the Administrative Record.

ADDRESSES: The public hearing is scheduled for 1:00 p.m. in Room 202, Columbus Field Office, 2242 South Hamilton Road, Columbus, Ohio 43227.

Written comments and requests for an opportunity to speak at the hearing should be directed to Ms. Nina Rose Hatfield, Field Office Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866-0578.

Copies of the Ohio program, the proposed modifications to the program, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the OSM Field Office listed above and at the OSM Headquarters Office and the office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays.

Office of Surface Mining, Room 5124, 1100 "L" Street, NW., Washington, D.C.

Ohio Division of Reclamation, Building B, Fountain Square, Columbus, Ohio.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

The Ohio program was approved effective August 16, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions—(a), (b), (c), (d), (e), (f)(1)–(f)(10), (g), (h)(1)–(h)(3), (i)(1)–(i)(3), (j) and (k)(1)–(k)(5). Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register.** In accepting the Secretary's conditional approval, Ohio agreed to correct deficiencies (a), (b), (c), (h)(1) and (k)(1) by August 8, 1983; deficiency (e) by September 16, 1982; and the remaining deficiencies by February 8, 1983.

On January 6, 1983, Ohio submitted materials to OSM intended to, among other things, satisfy conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k)(1) and (k)(2). On May 24, 1983, OSM published a final rule in the **Federal Register** announcing removal of conditions (b), (d), (f)(1) through (f)(6), (f)(8) through (f)(10), (g), (h)(2), (h)(3), (i), (j), (k)(1) and (k)(2); establishment of an August 8, 1983 deadline for Ohio to satisfy conditions (a), (c), (f)(7), (h)(1), (k)(3), (k)(4), and (k)(5); and imposition of two new conditions (l) and (m) which also carried a deadline of August 8, 1983.

On July 26, 1983, the Chief of the Ohio Division of Reclamation wrote to OSM requesting that Ohio be granted an extension of time to meet conditions (c), (f)(7), (h)(1), (k)(3), (k)(4), (k)(5) and (m). On October 11, 1983, after providing public notice and an opportunity to comment, OSM announced the Secretary's decision to extend the deadline for Ohio to satisfy these conditions. The Secretary extended the deadline for conditions (f)(7), (h)(1), (k)(3), (k)(4) and (k)(5) until February 8, 1984, and the deadline for conditions (c) and (m) until August 8, 1984.

Conditions (f)(7), (k)(3), (k)(4) and (k)(5) were removed on May 1, 1984, and on July 5, 1984, the deadline for satisfying condition (h)(1) was extended to April 30, 1985. Ohio recently submitted an amendment intended to satisfy condition (c) which is the subject of a separate rulemaking action. (49 FR 29805, July 24, 1984).

Condition (m) stipulates that Ohio must amend its program to require that all bond reductions must meet the same public participation requirements as bond releases, consistent with section 519 of SMCRA. The Secretary imposed condition (m) on May 24, 1983, based upon review of a proposed amendment to Ohio Revised Code (ORC) § 1513.16(F) (48 FR 23185). The amendment distinguished between bond reductions and bond releases. Section 1513.16(F) was amended to provide that at the completion of the phase I and II liability periods, a bond would be "reduced", and at the end of the phase III liability period the bond would be "released." The Secretary found that the result of the amendment was to eliminate public participation requirements for bond reductions, which is inconsistent with section 519 of SMCRA. Section 519 requires that

request for release of all or part of a performance bond must be accompanied by public and comment provisions.

II. Submission of Revisions

By letter dated July 23, 1984, Ohio submitted a proposed program amendment consisting of Substitute House Bill No. 164 (HB 164) intended to satisfy condition (m) due August 8, 1984.

Specifically, Ohio has proposed changes to paragraph (F) of ORC § 1513.16 to remove all references to bond "reductions" and instead require the same public participation procedures for all bond releases, whether in whole or in part.

The full text of the proposed program amendment submitted by Ohio is available for public inspection at the addresses listed above. Upon request to OSM's Field Office Director, each person may receive, free of charge, one single copy of the proposed amendment. The Director now seeks public comment on whether the proposed amendment is no less effective than the Federal regulations and whether the amendment satisfies the condition of approval. If approved, the amendment will become part of the Ohio program and condition (m) will be removed.

III. Procedural Matters

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*)

Dated: August 8, 1984.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

[FR Doc. 84-21512 Filed 8-13-84; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 935

Public Comment Procedures and Opportunity for Public Hearing on Proposed Modification to the Ohio Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of a program amendment submitted by Ohio as an amendment to the State's permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendment submitted consists of proposed changes to the Ohio regulations concerning inspection frequency and compliance reviews.

This notice sets forth the times and locations that the Ohio program and proposed amendment will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed for the public hearing.

DATES: Written comments from the public not received by 4:30 p.m., September 13, 1984, will not necessarily be considered in the decision on whether the proposed amendment should be approved and incorporated into the Ohio regulatory program. A public hearing on the proposed amendment has been scheduled for September 6, 1984. Any person interested in speaking at the hearing should contact Ms. Nina Rose Hatfield at the address or telephone number listed below by August 30, 1984. If no person has contacted Ms. Hatfield by that date to express an interest in the hearing, the hearing will be cancelled. If only one person requests an opportunity to speak at the public hearing, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: The public hearing is scheduled for 1:00 p.m. in Room 202, Columbus Field Office, 2242 South Hamilton Road, Columbus, Ohio 43227;

Written comments and requests for an opportunity to speak at the hearing should be directed to Ms. Nina Rose Hatfield, Field Office Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio, 43227; Telephone: (614) 866-0578.

Copies of the Ohio program, the proposed modifications to the program, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the OSM Field Office listed above and at the OSM Headquarters Office and the office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays.

Office of Surface Mining, Room 5124, 1100 "L" Street, NW., Washington, D.C.

Ohio Division of Reclamation, Building B, Fountain Square, Columbus, Ohio

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43337; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

The Ohio program was approved effective August 16, 1982, by notice published in the August 10, 1982 Federal Register (47 FR 34688). The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions—(a), (b), (c), (d), (e), (f)(1)-(f)(10), (g), (h)(1)-(h)(3), (i)(1)-(i)(3), (j) and (k)(1)-(k)(5). Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 Federal Register.

On June 5, 1984, OSM approved an amendment submitted by Ohio on December 28, 1983, to revise rule 1501:13-14-01 on inspection frequency and compliance reviews (49 FR 23178). The rule was in proposed form at that time and the notice stated that the

approval of the amendment would not be effective until promulgation of the rule. Ohio has not promulgated that rule and instead has submitted to OSM a rule which is similar to the rule OSM approved June 5, 1984, but which has been revised to include some additional provisions. The specific provisions of the revised rule are described below.

By letter dated July 23, 1984, Ohio submitted proposed regulations to revise the inspection frequency requirement and to revise the provision concerning compliance reviews.

Specifically the proposed amendment includes the following revisions to Ohio rule 1501:13–14–01 *Inspection:*

(1) Paragraph (A) is revised to include definitions for "inactive coal mining and reclamation operation," "active coal mining and reclamation operation", and "compliance review technician;"

(2) Paragraph (C) concerning partial inspections is revised to require such partial inspections of inactive operations as are necessary to ensure effective enforcement and to allow aerial inspections;

(3) Paragraph (D) concerning complete inspections is revised to require an average of at least one complete inspection per calendar quarter of each active and inactive operation; and

(4) Paragraph (K) concerning compliance reviews is revised to conform to the Federal rule at 30 CFR 840.16.

The full text of the proposed program amendment submitted by Ohio is available for public inspection at the addresses listed above. Upon request to OSM's Field Office Director, each person may receive, free of charge, one single copy of the proposed amendment. The Director now seeks public comment on whether the proposed amendment is consistent with the Federal regulations. If approved, the amendment will become part of the Ohio program.

Procedural Matters

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: August 8, 1984.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

[FR Doc. 84–21513 Filed 8–13–84; 8:45 am]

BILLING CODE 4310–05–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 82–122; FCC 84–380]

Interconnection Arrangements Between and Among the Domestic and International Record Carriers

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: On March 7, 1984, the United States Court of Appeals for the D.C. Circuit rendered a decision concerning a challenge to the Commission's Interim Order in this docket which implemented the Record Carrier Competition Act of 1981 (RCCA). This Further Notice treats the issues of originating/terminating carrier, pro rata distribution of revenues for international inbound calls and transiting arrangements for outbound calls in order to comply with the court's decision. The holdings of the court regarding these issues are cited in sections of the RCCA which sunset on December 29, 1984. This decision reversed and remanded to the Commission for further proceedings the aspects of its Interim Order relating to its designation of the originating/terminating carrier and the pro rata distribution formula. In view of its reversal of its pro rata formula, the court stated that the Commission may want to modify its transiting formula. In this Further Notice, the Commission reaches tentative conclusions on the aforementioned issues and requests comments on these tentatives conclusions.

DATES: Comments are due August 21, 1984. Reply Comments are due August 28, 1984.

FOR FURTHER INFORMATION PLEASE CONTACT: Margot F. Bester, International Policy Division, Common Carrier Bureau, Federal Communications Commission, Washington D.C. 20554, (202) 632–4047.

SUPPLEMENTARY INFORMATION:

Further Notice of Proposed Rulemaking

In the matter of interconnection arrangements between and among the domestic and international record carriers; CC Docket No. 82–122.

Adopted: July 31, 1984.
Released: August 6, 1984.

By the Commission.

I. Background

1. On March 7, 1984, the United States Court of Appeals for the District of Columbia Circuit rendered a decision [1] concerning a challenge of our implementation of the Record Carrier Competition Act of 1981 (RCCA or section 222).[2] The court reversed and remanded for further proceedings two aspects of our Interim Order.[3] Below we discuss the statute, our Interim Order and the court's decision. We then reach certain tentative conclusions as to appropriate future action.

2. *The Statute:* The RCCA, many provisions of which "sunset" pursuant to section 222(e) on December 29, 1984, lifted the statutory bar on the Western Union Telegraph Company's provision of international services and permitted its re-entry into the international market.[4] It also facilitated the expansion of the international carriers into the domestic market.[5] In addition to

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[1] Western Union Telegraph Company v. Federal Communications Commission *et. al.*, No. 82–1502 (D.C. Cir. March 7, 1984).

[2] 47 U.S.C. 222 (1981). Section 22 of the Act was rewritten by the RCCA.

[3] Interconnection Arrangements Between and Among the Domestic and International Record Carriers, 89 FCC 2d 928 (1982) (hereinafter "Interim Order.")

[4] Section 222(d).

[5] Id. Prior to passage of the RCCA, the record communications market was bifurcated. Western Union Telegraph Company dominated the domestic

Continued

encouraging the development of competition in the record communications market, the Act directs the Commission, in section 222(c)(1)(A)(i), to "require each record carrier to make available to any other record carrier, upon reasonable request, full interconnection with any facility operated by such record carrier, and used primarily to provide record communications service. Such facility shall be made available, through written agreement, upon terms and conditions which are just, fair, and reasonable, and which are otherwise consistent with purpose of this section." The RCCA also requires the pro rata allocation of international inbound record service transmissions,[6] interconnection between a carrier's domestic and international segments which is equal in type and quality and available at the same rates and upon the same terms and conditions as that furnished to an interconnecting carrier,[7] the establishment of a nondiscriminatory formula for the equitable allocation of revenues derived from interconnected transmissions,[8] and the establishment by each carrier of the total price charged to the public for any service originated by that carrier.[9] To implement these requirements, section 222(c)(3)(A) required the Commission to convene, monitor and preside over interconnection negotiations between and among the domestic and international record carriers.[10] The RCCA also required the Commission to prescribe interconnection arrangements if the Carrier negotiations failed to produce an agreement.[11]

3. *The Interim Order:* The carriers were not able to reach an agreement on the terms and conditions for interconnection within the forty-five and ninety day limits provided by the RCCA. Accordingly, the Commission, pursuant to the RCCA's mandate, conducted a rulemaking proceeding on an expedited basis and issued an Interim Order establishing the necessary technical and financial arrangements. In our Interim Order we prescribed interconnection arrangements for record communication services between and among domestic and international carriers. Thus, arrangements were prescribed for purely domestic transmissions as well as for interconnected international inbound and outbound calls. We also prescribed in a number of further orders in this docket specific tariff language and resolved particular technical issues.[12]

4. The following four aspects of our Interim Order were at issue in the case before the Court: (a) Whether the Commission erred in prescribing a 15% interim discount from a terminating carrier's publicly tariffed intra-network rate for an interconnected transmission; (b) whether the domestic or international record carrier should be deemed the originating carrier in charge of tariffing, billing and collecting; (c) whether the formula prescribed by the Commission for allocating revenues received for international outbound calls (transiting arrangements) is reasonable; and (d) whether the Commission had the authority to require that revenues received for international inbound calls, rather than the traffic, be distributed pursuant to a pro rata formula between interconnecting carriers.

5. *Court Decision:* On review, the D.C. circuit held that our decision to prescribe on an interim basis a 15% discount for interconnected transmissions from a terminating carrier's publicly tariffed intra-network rate was not reviewable.[13] And, the court affirmed our revenue allocation formula for the outbound transmissions of one carrier employing the facilities of another carrier on a transiting basis. However, the court reversed and remanded that part of our Interim Order designating the international carrier as the originating carrier on calls outbound from the United States and requiring the pro rata distribution of revenues received for a portion of inbound calls.

6. As to the originating carrier for outbound calls, the court stated in its holding that both the language and the legislative history of the statute indicated that the domestic carrier that initiates an outbound call is the originating carrier and is responsible for tariffing, collecting and billing the entire call. As to pro rata, the court stated that Congress' intent in enacting that provision was to require carriers to physically distribute a portion of international inbound *traffic*. The court saw nothing in the statute giving us authority to transform this traffic (service) distribution requirement into a revenue distribution scheme. The court concluded that if Congress' prescribed scheme to distribute traffic pro rata was unworkable, as we had determined, then the Commission must return to Congress and seek appropriate legislation.[14]

II. Discussion

7. We are issuing this Further Notice of Proposed Rulemaking to treat the issues of originating/terminating carrier,[15] pro rata distribution of revenues for international inbound calls, and transiting arrangements for international outbound calls. Our tentative conclusions and the basis for each are discussed below.

8. *Pro Rata Distribution of Inbound Traffic:* In our Interim Order, we did not interpret the pro rata return flow provision of section 222(c)(1)(A)(ii) as necessitating the actual physical distribution of inbound traffic.[16] We believed such a physical distribution of traffic to carriers without operating agreements to be technically unworkable since international inbound traffic is only theoretically switched from the foreign administrations to American carriers at mid-ocean (or in a satellite). No actual switch exists at mid-ocean and there is no other existing switch that could reallocate traffic as contemplated in the statute. In order to physically distribute the traffic, extensive switching and transmission

market but was prohibited under the old section 222 from engaging in the direct provision of international services. The international carriers were authorized to provide international record communications services through a limited number of gateway cities.

[6] Section 222(c)(1)(A)(ii).

[7] Section 222(c)(1)(B). This section does not "sunset" under section 222(e).

[8] Section 222(c)(2).

[9] Id.

[10] The Western Union Telegraph Company (WU) and Graphnet, Inc. (Graphnet) participated in the interconnection negotiations as domestic record carriers. ITT World Communications Inc. (ITT), RCA Global Communications, Inc. (RCA), Western Union International, Inc. (WUI), FTC Communications, Inc. (FTC), TRT Telecommunications Corporation (TRT) and International Relay, Inc. (IRI) participated as primary existing international record carriers.

[11] Section 222(c)(3)(B).

[12] *See* e.g., Rejection Order, FCC 82-264, released June 11, 1982. Memorandum Opinion, Order, and Request for Further Comments, FCC No. 83-84 (released April 11, 1983). Memorandum Opinion and Interim Order, FCC No. 83-84 (released March 14, 1983).

[13] *See* The Western Union Telegraph Co., 67 FCC 2d 924 (1978).

[14] In view of its reversal of our pro rata distribution formula for inbound calls, the court stated that we *may* want to modify our transiting formula.

[15] It must be emphasized that the pro rata, transiting, and originating/terminating holdings of the court interpreted sections of the RCCA which sunset on December 29, 1984.

[16] Section 222(c)(1)(A)(ii) provides as follows:

(I) Subject to the provisions of subclause (II), if a request for interconnection under clause (i) is for the purpose of providing international record communications service, then the agreement entered into under clause (i) shall require that the allocation of record communications service between points outside the United States and points of entry in the United States shall be based upon a pro rata share of record communications service between points of exit out of the United States and points outside the United States provided by the carrier making such request for interconnection.

(II) The requirement established in subclause (I) shall not apply in any case in which the customer requesting any record communications service between a point outside the United States and a point of entry in the United States has the option to specify the international record carrier which will provide such record communications service.

modifications would be required. Because we believed that switching modifications would not serve the public interest, we attempted to accomplish what we perceived as the intent of this provision by interpreting the clause as permitting a pro rata division of revenues.

9. The court disagreed with our interpretation of the statute and stated that the statutory language empowered us to order only a pro rata distribution of inbound services, not revenues. The court also stated that the legislative history plainly indicated that the pro rata requirement was intended to govern the physical distribution of traffic. The court held that the Commission lacked the authority to require a pro rata distribution of revenues for inbound services when it proved technically infeasible to physically redistribute traffic in the manner dictated by Congress. It stated that if the scheme prescribed by Congress was unworkable, then "the FCC must return to Congress and seek appropriate legislation" . . . but could not "attempt to write a new statute out of whole cloth.".

10. We believe for the reasons discussed in our earlier order that the pro rata scheme prescribed by Congress, as interpreted by the court, is technically unworkable at this time. We welcome a legislative solution to guide us in resolving this impasse, but are aware that because the section sunsets at year's end, it may not be forthcoming in time to be of assistance. Under our Communications Act authority to address any public interest concerns, competitive or otherwise, we tentatively conclude that a pro rata distribution of traffic as found in section 222(c)(1)(A)(ii) cannot be implemented during the period remaining prior to this section's sunset date of December 29, 1984.

11. *Transiting Arrangements:* In order to compensate for the unwillingness of foreign administrations to grant operating agreements, international carriers without operating agreements have historically entered into transiting agreements with other international carriers which possessed the necessary operating authority to deliver traffic to a particular foreign administration. The financial aspects of these interconnection agreements have reflected the superior negotiating position of carriers with operating agreements. Therefore, we prescribed in our Interim Order that new transiting tariffs be filed which resulted in increased economic benefit flowing to the carrier without the operating agreement. We prescribed that where carriers interconnect to handle outbound telex traffic on a transiting basis, the originating outbound international carrier will first pay the transiting international carrier an amount equal to the payout to the foreign administration. We also required that the originating outbound international carrier will pay the transiting international carrier an additional sum for the use of its facilities. The formula prescribing this additional sum is as follows: The transiting international carrier will receive one half of the initiating carriers domestic rate plus one half of its own international rate after subtracting out the amount already received for the foreign administration.[17]

12. The court affirmed our transiting formula and stated that we acted reasonably in prescribing that revenues be split between the originating international carrier and the transiting international carrier after the foreign payout is accounted for. However, in its decision, the court remanded to us this aspect of our Interim Order so that we *might* choose to modify this formula in light of its reversal of the pro rata distribution of revenues from inbound calls.

13. We believe that the transiting arrangement prescribed in the Interim Order is fair and equitable and is not affected by the Court's action on pro rata adjustments. We do not choose to modify the revenue allocation formula prior to its sunset. We tentatively conclude that the transiting arrangements should remain intact.

14. *Originating/Terminating Determination:* In our Interim Order, we determined that for purposes of interconnection for handling international outbound calls, the international carrier would be considered the originating carrier and tariff through rates. In this role, the international carrier would bill the customer for the entire through rate, collect that amount from its customer and compensate the domestic carrier for its costs. This compensation would be 85% of the domestic carrier's intra-network rate, as the 15% carrier-to-carrier discount for interconnected calls would apply.

15. We believed that classifying carriers as "originating" or "terminating" was logical for interconnected domestic transmissions but made little sense when describing the roles assumed by U.S. carriers for interconnected international calls, since both carriers could perform originating and terminating functions and the functions performed by foreign administrations best resembled terminating carrier activities. Furthermore, since these terms were not found in the RCCA itself, but only in the Committee Report, we concluded that we had the discretion to designate either the international or domestic carrier to act as the originating carrier for interconnected international outbound service. We viewed the statute as merely permitting each carrier to tariff a rate (its total price) and to be compensated at that level.

16. The court disagreed with our interpretation of the Act and held that our decision to have the tariff, billing and collection functions performed by the international carrier could not be reconciled with the RCCA's language. The court found that section 222(c)(2)[18] clearly dictates that the carrier on whose network a service starts is responsible for setting the total price for the service and charging the public. The court interpreted the language and history of the statute to specify that the Commission must designate the domestic carrier as the originating carrier for international record traffic.[19]

17. To implement the court's interpretation of the RCCA, all record carriers will be required to make operational, billing and tariff changes to long-established practices. To begin this process, we directed Western Union and all other originating carriers to submit information and an interconnection plan to demonstrate their technical ability to perform these functions. These comments were filed May 21, 1984. Public meetings were held on May 31, June 11, and June 18, 1984 to discuss these proposals and establish a tariffing, billing and collection arrangement consistent with the court's decision. Further comments were filed by the negotiating parties on June 21, 1984.[20]

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[17] 89 FCC 2d at 960-963.

[18] Section 222(c)(2) provides that a carrier "shall have the right to establish the total price charged by such party to the public for any such service which is originated by such party."

[19] We view the court's decision as applying to real time transmissions only for reasons given in our *MOSO*, 93 FCC 2d 159 (1983).

[20] The carriers may 21, 1984 filings and all subsequent filings, if any, will be included in the record of this proceeding. The following international carriers participated in the negotiations: Western Union Telegraph Company (WUT); MCI/WUI; FTC Communications Inc. (FTCC); TRT Telecommunications Corporation (TRT); RCA Global Communications Inc. (RCA); ITT World Communications Inc. (ITT); and Puerto Rican Communications Authority (PRCA); and International Relay, Inc. (IRI).

16. The carriers reached agreement on some aspects of a tariffing, billing and collection arrangement and were unable to reach agreement on others. We will reach tentative conclusions as to all the issues regarding these operational arrangements so that this provision, as interpreted by the court, may be implemented as expeditiously as possible. Our tentative conclusions will generally reflect the positions of the participants to the negotiations on those issues where an agreement has been reached.[21]

19. Each originating carrier is entitled to waive its right to bill tariff and collect for traffic originating on its network and carried over the international facilities of another carrier. (In a waiver situation, the international carrier would continue to bill and tariff as it does today.) It appears that all the carriers represented at the negotiations except Western Union are prepared to waive their right to bill for such traffic. Western Union agreed to bill and collect for traffic originating on the networks of other cariers which utilized Western Union's international facilities. As a result, only Western Union will receive billing information from other carriers.

20. *The Negotiations.* The following ten issues were discussed during the course of the negotiations: (1) Format of the domestic carrier's bill; (2) treatment of bad debts; (3) continuation of the international carriers Early Payment Credit (EPC) programs; (4) protection of proprietary data against improper disclosure and use by competitors; (5) format of the magnetic tape to be provided to the domestic carrier by the international carrier; (6) treatment of non-billable calls; (7) date of settlements; (8) disavowed calls; (9) date of implementation; and (10) the carrier to bear the expenses incurred in altering current billing arrangements.

21. *Format of the domestic carrier's bill.* The parties agreed to accept the bill format developed by Western Union. The bill format specifies the date and time of call, the expense number, the number of minutes, the destination, the rate, the amount charged and the international carrier selected by the customer. As noted above it appears that only Western Union intends to bill as a domestic carrier for interconnected international calls. Therefore, we tentatively conclude that the bill format developed by Western Union and distributed to the parties at the June 18 meeting is acceptable.

22. *Treatments of bad debts.* The parties agreed that all costs associated with bad debts (completed calls, not disavowed by the customer but uncollectable by the billing carrier) should be absorbed by the billing domestic carrier. We therefore tentatively conclude that the billing domestic carrier shall absorb the cost of bad debts.

23. *Continuation of the international carrier's Early Payment Credit (EPC) programs.* The EPC is a tariff provision which provides that a customer which pays its bill within 10 days is entitled to a credit of 5% of such bill to be applied against the next month's traffic. It is currently offered by the international carriers to their own subscribers and subcribers of other carriers using a particular international carrier's services. Western Union does not have an EPC program. Currently, the terminating carrier applies this credit on the through service. Since the originating carrier would now bill the through service, it would be the carrier responsible for offering this credit. We tentatively conclude that the EPC is related to the billing function governed by each carrier's tariff provisions. The billing carrier may apply such a credit on its bill for its own customers and for those customers of other interconnected carriers in a manner consistent with the "fair and equal" provision of the RCCA.[22]

24. *Protection of proprietary data against improper disclosure and use by competitors.* The international carriers were concerned that proprietary information would be disclosed with the furnishing of billing tapes to the originating carrier. The parties agreed to execute a non-disclosure statement and requested that such a statement or protective order would be incorporated into any subsequent Commission interconnection order. We tentatively concluded that such a protective order is in the public interest and will be incorporated into any subsequent Commission interconnection order.

25. *Format of the magnetic tape to be provided to the domestic carrier by the international carrier.* With the exception of ITT, the carriers agreed to furnish billing information to Western Union on a monthly basis. The parties agreed generally that the billing data should be exchanged in machine-readable magnetic tape form of the most efficient use by the billing carrier. The parties also agreed on the format for the magnetic tape. We tentatively conclude that all international carriers shall furnish billing information to Western Union on a monthly basis. The format of the tape shall be as agreed to by the parties, a copy of which is attached as Appendix A.

26. *Treatment of Non-Billable Calls.* These are calls that cannot be billed for a variety of reasons, such as the inability to match answerbacks to customer identification. The parties agreed that the domestic (billing) carriers will absorb all lost revenues associated with this problem and will pay the international carrier its normal tariffed international component. We tentatively conclude that the domestic carrier shall absorb the losses for non-billable calls and pay the international carrier its normal tariffed international component.

27. *Date of Settlements.* Currently, settlements between carriers as set forth in their respective tariffs. Western Union's existing tariff contains a provision requiring payment to be received within 30 days after rendition of its bill, with an interest charge of 18% per year applicable to unpaid balances due and owing from the international carriers. The international carriers want the same terms to apply to them now that they are no longer the billing carriers. Western Union suggested that the settlement period for both inbound and outbound traffic should be 60 days after rendition of a bill with a late payment charge of 12% per year. The carriers could not agree as to settlement terms. Unless the parties can reach some accord, we must prescribe arrangements for settlement. We tentatively conclude that payment must occur within 60 days for both inbound and outbound traffic after rendition of a bill with an interest rate of 15% per year applicable to unpaid balances due. We believe that this solution will give the domestic carriers a reasonable time in which to settle with its international carriers.

28. *Disavowed calls.* These are calls that the customer legitimately believes should not be paid for either because the customer did not make them, or the calls were disconnected in transmission or were garbled. Currently, the billing international carrier absorbs the entire cost associated with disavowed calls. Western Union believes that it should not have to absorb these costs because unlike the international carrier, it does not have the opportunity to deduct from its overseas payment amounts related to such disavowed calls. We believe that the costs associated with disavowed calls should be borne by the billing

[21] In this connection it is important to note that although ITT attended and participated in the negotiating sessions, it did not agree to provide Western Union with billing data at this time. Therefore, any consensus agreement on issues which we indicate was reached by the parties does not include ITT.

[22] See section 222 (c)(1)(A)(i). This section of the RCCA does not sunset on December 29, 1984.

carrier since the billing domestic carrier deals direclty with the customer complaint and therefore has the incentive to investigate the situation carefully. Accordingly, we tentatively conclude that the entire cost associated with disavowed calls should be borne by the billing carrier.

29. *Date of Implementation.* The parties could not agree to a date for the implementation of these technical and billing arrangements. We tentatively conclude that the carriers must file new tariffs by October 1, 1984, and that October 15, 1984 will be the effective date for implementation of the new arrangements barring any difficulties in implementing the new arrangements.

30. *The carrier to bear the expenses incurred in altering billing arrangements.* The carriers were unable to reach agreement on this issue. The international carriers believed that Western Union should bear the whole cost for the new billing arrangements. Western Union believes that each carrier should bear its own costs for conforming to the Commission's interconnection requirements. Western Union's position is consistent with the one we took in governing previous interconnection arrangements under the RCCA.[23] Accordingly, we tentatively conclude that each carrier should bear its own costs in converting to this system of billing.

III. Procedures

31.We recognize that important business and technical issues confront the parties. Nevertheless, we urge the negotiating parties to reach a negotiated settlement regarding the originating/terminating carrier issue which would become part of the record in this rulemaking and be subject to Commission review. We intend to carefully analyze all the pleadings submitted in response to this Further Notice of Proposed Rulemaking and to prescribe, if necessary, interconnection arrangements as required by the RCCA. We invite all interested entities to submit comprehensive filings on the transiting, pro rata and originating/terminating issues identified above. Our analysis pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, is that this statute does not apply to the matters under consideration here.

32. It is further ordered, that for purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

33. Accordingly, It is ordered that, pursuant to sections 4(i), 4(j), 201, 202, 205, 222 and 403 of the Communications Act of 1934, as amended and section 553(b) of the Administrative Procedure Act, the rulemaking in this matter is continued.

34. It is further ordered that, interested entities shall file comments regarding the issues discussed in this Notice August 21, 1984. Replies shall be filed August 28, 1984. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

35. It is further ordered that, in accordance with the provisions of §1.419 of the Commission's Rules and Regulations, all participants in the proceeding ordered herein shall file with the Commission an original and five (5) copies of all comments and reply comments. Copies of comments and reply comments filed in this proceeding shall be available for public inspection during regular business hours in the Commission's reference room at its headquarters at 1919 M Street, NW., Washington, D.C.

36. It is further ordered that the Commission's Secretary shall mail a copy of this Further Notice of Proposed Rulemaking to the Chief for Advocacy of the Samll Business Administration and have a copy of this Further Notice of Proposed Rulemaking published in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A—MAG TAPE FROM IRCs

File Description

Code: EBCDIC (9-Track)/ASCII (8 Track)
Labels: No labels
Record Length: 150
Block Length: 3900
Density: 1600/6250 BPI

Record Description

Field No.	Position	Number characters	Definition	Comment
Header record:				
H1	1–2	2	Carrier ID	Alpha.*
H2	3–8	6	Date tape created	MMDDYY (based on Eastern time).
H3	9–12	4	Identification	HDR space.
H4	13–150	138	Filler	Spaces.
Data Record:				
D1	1–2	2	Carrier ID	Alpha.*
D2	3–8	6	Connect date	MMDDYY (Based on Eastern time).
D3	9–12	4	Connect time	HHMM–2400 time.
D4	13–17	5	Rounded international billable time	Minutes-MMMM.M right justified with lead zeros.
D5	18–37	20	Originators answerback	Alpha numeric and special characters, left justified space filled.
D6	38	1	Originator type	Numeric 0 = TLX Numeric 1 = TWX.
D7	39–41	3	Destination country code	IRC country code.
D8	42–54	13	Destination dial No.	Left justified, space filled.
D9	55–63	9	International component billable amount	Dollars and cents NNNNNNN.NN right justified with lead zeros.
D10	64–70	7	International rate per minute	Dollars and cents NN.NNNNN right justified with lead zeros.
D11	71–77	7	Reference No.	Numeric, right justified with lead zeros.
D12	78–98	21	Departmental code	Alpha-numeric and special characters, left justified, space filled.

[23] *See* Interim Order at p. 955.

Field No.	Position	Number characters	Definition	Comment
D13	99–100	2	Segment code	Number of segments, right justified with lead zeros (00 if none, otherwise 02 thru 99).
D14	101–102	2	Iteration	Segment, number right justified with lead zeros, starting with 01 (00 if segment code=00).
D15	103–150	48	Filler	Spaces.
Trailer record:				
T1	1–2	2	Carrier ID	Alpha.*
T2	3–8	6	Record count	Numeric, right justified with lead zeros.
T3	9–12	4	Identification	TRLR.
T	13–150	138	Filler	Spaces.

*Carrier ID's are:
UB—GRAPHNET
UD—WUTCO
UF—FTCC
UI—ITT
UR—RCA
UT—TRT
UW—WUI
Note.—Spaces=HEX 40

WUTCO Definition of IRC Magnetic Tape Billing Data

The following is Western Union Telegraph Company's version of the field definitions for the proposed Magnetic Tape to be used for IRC's billing of International traffic sent by their subscribers via a different IRC.

Each carrier can select the code (EBCDIC or ASCII) to be used on the magnetic tape to exchange with the other carriers as well as the density (1600 or 6250 bits-per-inch). The record length will be 150 characters with a block length of 3900 characters (blocking factor of 26)—

The following is a further elaboration on the comments column for field numbers shown on the attached Magnetic Tape Description Chart, to further define WUTCO's understanding of its functionality.

Field No.	Description
D2	This 6 character field is used to contain the month (01 to 12), the day (01 to 31) and year (84, 85, etc.) of the connected call, that will be printed on the bill. It can be either the date of initial connection or of disconnect and is based on local Eastern time.
D3	This is the time of initial connection between the calling and called terminals base on 2400 time (0001 to 2400). This is always expressed in local eastern time.
D4	This is the elapse rounded International billable time as calculated by the delivering carrier. The time is expressed in whole minutes and tenths of minutes (e.g. 100.1, 9999.0, 1.0). This is the time used to derive the domestic usage time in order to calculate domestic usage charges.
D5	This is the originator answer-back as captured by the delivering carriers switch to be used to bill the call to the calling terminal. The rules for character conversion (e.g., plus sign to space, pound sign to NBR etc.) will be provided by all carriers so that proper identification of the calling terminal can be accomplished.
D9	The amount of money in U.S. dollars and cents to be billed for the international portion of the call as calculated by the delivering IRC based on its tariffs.
D10	International rate per minute of usage for this call as contained in the delivering carriers tariffs (e.g., 01.42718).
D11	Reference number as provided by delivering carrier and printed at calling terminal for reference purposes.
D12	21 character department code which can be any alpha (A to Z) or numeric (0 to 9) character plus any of the following special characters: !"$%&'()*:—=,/?;+@.
D13	The segment code is used to indicate that a single message has been sent to one destination containing multiple department codes. If this code is numeric "00" there can only be one segment for the message, with or without a department code. If this field contains a numeric value from 02 to 99, it then represents the number of segments (each with its own department code) into which the message has been divided. Each segment will have a data record with its department code and other applicable fields. All data records for a single segmented message will appear sequential, with no intervening data records, on the magnetic tape file. The elapsed rounded International billable time (Field D4) for each segment data record will be added together and used to calculate the domestic component charges for the message. The total domestic charge will then be distributed on a pro rata basis to each segment of the message.
D14	Iteration number of each segment of a single message. Each segment is numbered sequentially in ascending order from 01 to 99 and each data record has the same reference number for each segment.

[FR Doc. 84–21454 Filed 8–13–84; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 84–758; RM–4733]

TV Broadcast Station in Crystal River, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign UHF television, Channel 39 to Crystal River, Florida, as that community's first local television broadcast service, in response to a petition filed by William F. Parrish.

DATES: Comments must be filed on or before October 1, 1984, and reply comments must be filed on or before October 16, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner or Stanley Schmulewitz, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), table of assignments, TV broadcast stations, (Crystal River, Florida); MM Docket No. 84–758, RM–4733.

Adopted: July 30, 1984
Released: August 10, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by William F. Parrish ("petitioner"), requesting the assignment of UHF television Channel 49 to Crystal River, Florida, as that community's first local television broadcast service. Petitioner states that he will apply for any channel the Commission may assign in response to his requests.

2. Crystal River (population 2,778),[1] in Citrus County (population 54,703), is location on the west coast of Florida, approximately 120 kilometers (75 miles) northwest of Orlando.

3. A staff engineering study reveals that UHF television Channel 49 at Crystal River would be short-spaced to Channel 49 in Bainbridge, Georgia, since the two communities are approximately 183 miles apart, whereas 205 miles is required between co-channel assignments. However, Channel 39 can be assigned to Crystal River consistent with the minimum distance separation requirements of § 73.610 and 73.698 of the Commission's Rules. Therefore, we shall propose to assign Channel 39 to Crystal River in lieu of Channel 49.

4. Interested parties may file comments on or before October 1, 1984, and reply comments on or before October 16, 1984, and are advised to read the Appendix for the proper procedures. Normally, such interested parties are required to serve copies of their comments on the petitioner. However, here the Commission has no official documentation indicating the petitioner's address. According to the provisions of § 1.52 of the Commission's Rules, the petitioner, in this instance, is required to state his address, which is then used by the Commission in serving comments or directing correspondence thereto. If the petitioner herein fails to comply with the foregoing requirements,

[1] Population figures were extracted from the 1980 U.S. Census.