Date: June 19, 1985.

Lee M. Thomas,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Virginia was approved by the Director of the Federal Register on July 1, 1982.

PART 52—[AMENDED]

Title 40, Part 52, Subpart VV, of the Code of Federal Regulations is amended as follows:

Subpart VV–Virginia

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.2420 is revised by adding paragraph (c) (87) as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(87) A revision to the Virginia State Implementation Plan was submitted on December 17, 1984 by the Virginia State Air Pollution Control Board.

(i) Incorporation by reference

(A) A letter dated November 29, 1984 from the Virginia State Air Pollution Control Board to the Ford Motor Company containing a compliance schedule for installing the electrophoretic deposition process (EDP) for prime coating operations at the Norfolk assembly plant, adopted on November 26, 1984

(ii) Additional Material

(A) Technical Support Document dated November 26, 1985, prepared by the Virginia State Air Pollution Control Board.

[FR Doc. 85–15235 Filed 6–24–85; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 62

[A-4-FRL-2854-4]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Mississippi; Negative Declaration for Primary Aluminum Plants Tennessee; Negative Declaration for Phosphate Fertilizer Plants Florida; Negative Declaration for Primary Aluminum Plants

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On March 6, 1985, the State of Mississippi certified that there were no primary aluminum reduction plants in the State subject to the requirements of section 111(d) of the Clean Air Act. EPA is today approving this negative declaration.

On April 4, 1985, the State of Tennessee certified that there were no phosphate fertilizer plants in the State subject to the requirements of section 111(d) of the Clean Air Act. EPA is today approving this negative declaration.

On April 22, 1985, the State of Florida certified that there were no primary aluminum reduction plants in the State subject to the requirements of section 111(d) of the Clean Air Act. EPA is today approving this negative declaration.

EFFECTIVE DATE: This action will be effective on August 26, 1985, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the State submittals are available for review during normal business hours at the following locations:

Air Quality Control, Bureau of Pollution Control, Department of Natural Resources, P.O. Box 10385, Jackson, Mississippi 39209

Division of Air Pollution Control, Tennessee Department of Health and Environment, 150 Ninth Avenue North, Nashville, Tennessee 37203

Bureau of Air Quality Management, Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301

Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Kelly McCarty, EPA Region IV, Air Management Branch, at the above listed address, and phone 404/881–3286 or FTS 257–3286.

SUPPLEMENTARY INFORMATION: Under section 111(b) of the Clean Air Act, the Administrator is required to publish a list of categories of stationary sources which cause, or contribute significantly to, "air pollution which may reasonably be anticipated to endanger public health or welfare." For each category the Administrator must publish regulations which establish Federal standards of performance for new stationary sources (NSPS) within that category.

Section 111(d) provides for regulation of existing sources which are in a category for which an NSPS has been promulgated for new sources. EPA publishes guideline documents for control of these existing sources which give suggested emission limitations and control techniques. These are usually less stringent than the NSPS and factors such as: Cost of control equipment, economic health of the source, age of the source, etc., may be taken into consideration. Each state must then either submit a plan for control of these sources, or a negative declaration stating that there are no sources located in the State subject to that regulation.

Pursuant to these requirements, the State of Tennessee, on April 4, 1985, certified that there were no phosphate fertilizer plants in the State subject to the requirements of section 111(d) of the Clean Air Act. EPA concurs with the State's negative declaration.

The State of Mississippi submitted information on March 6, 1985, certifying that there were no primary aluminum reduction plants in the State subject to the requirements of section 111(d) of the Clean Air Act. EPA concurs with the State's negative declaration.

The State of Florida submitted information on April 22, 1985, certifying that there were no primary aluminum reduction plants in the State subject to the requirements of section 111(d) of the Clean Air Act. EPA concurs with the State's negative declaration.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this Federal Register notice, unless, within 30 days, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effected on August 26, 1985.

Action

Based on the foregoing, EPA hereby approves the negative declarations made by Tennessee, Mississippi, and Florida.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 26, 1985. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. § 605(b), the Administrator has certified that approvals of 111(d) plans do not have a significant economic impact of a

substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget (OMB) has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 62

Air pollution control, Fluoride, Sulfur.

Dated: June 18, 1985.

Lee M. Thomas,

Administrator.

PART 62—[AMENDED]

Part 62 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 62.2352 is added as follows:

Subpart K—Florida

Fluoride Emissions From Primary Aluminum Reduction Plants

§ 62.2352 Identification of source—Negative declaration.

The Florida Department of Environmental Regulation submitted on April 22, 1985, a letter certifying that there are no existing primary aluminum reduction plants in the State subject to Part 60, Subpart B of this chapter.

3. Section 62.6121 is added as follows:

Subpart Z—Mississippi

Fluoride Emissions From Primary Aluminum Reduction Plants

§ 62.6121 Identification of sources—Negative declaration.

The Mississippi Bureau of Pollution Control submitted on March 6, 1985, a letter certifying that there are no existing primary aluminum reduction plants in the State subject to Part 60, Subpart B of this chapter.

4. Subpart RR is added as follows:

Subpart RR—Tennessee

§§ 62.10600–10601 [Reserved]

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.10602 Identification of sources—Negative declaration.

The Tennessee Department of Health and Environment on April 4, 1985, submitted a letter certifying that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this chapter.

[FR Doc. 85–15236 Filed 6–24–85; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket Nos. 78–72 and 80–286; FCC 85–283]

MTS and WATS Market Structure and Amendment of the Rules and Establishment of a Joint Board

AGENCY: Federal Communications Commission.

ACTION: Interim Order.

SUMMARY: This Interim Order adopts the Federal-State Joint Board recommendations concerning interim measures for the allocation of the costs in Account 645, Local Commercial Operations, set out in its *Recommended Interim Order and Request for Comments* in this proceeding. The Interim Order also requires adjustments in the affected Bell Operating Companies (BOCs') access charge tariffs in order to ensure proper recovery of the interstate allocation of Account 645 costs and the costs whose allocation is affected by the treatment of Account 645. This action is taken to prevent a sudden and substantial shift in costs to the intrastate jurisdiction while the Joint Board is developing recommendations concerning permanent provisions for the allocation of Account 645. This action is necessary because it will promote administrative efficiency until permanent measures are adopted.

EFFECTIVE DATE: June 7, 1985.

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

FOR FURTHER INFORMATION CONTACT: Margot Bester or Claudia Pabo at (202) 632–6363.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 67

Uniform system of accounts.

Interim Order

In the matter of MTS and WATS Market structure amendment of part 67 of the Commission's rules and establishment of a joint board (CC Docket Nos. 78–72 and No. 80–286).

Adopted: May 28, 1985.

Released: June 7, 1985.

By the Commission: Commissioner Rivera not participating.

I. Introduction

A. Summary

1. The Commission hereby adopts the Federal-State Joint Board's recommendations concerning interim measures for the allocation of the costs in Account 645, Local Commercial Operations, set out in its *Recommended Interim Order and Request for Comments (Recommended Interim Order)* in this proceeding.[1] We also adopt as our own the Joint Board's reasoning in support of its recommendations.[2] In addition, we are requiring certain adjustments in the affected Bell Operating Companies' (BOCs') access charge tariffs in order to ensure proper recovery of the interstate allocation of Account 645 costs and other costs whose allocation is affected by the treatment of Account 645.

B. Background

2. The Joint Board's recommendations were prepared in response to a Petition for Rulemaking filed on November 15, 1984 by the New York State Department of Public Service (New York State). The Commission issued a Public Notice requesting comments on the New York State Petition on November 30, 1984. Comments were filed on December 10, 1984 and reply comments were filed on December 14, 1984. In its Petition, New York State pointed out that the American Telephone and Telegraph Co. planned to discontinue its subscription to the billing inquiry service offered by New York Telephone Company (New York Telephone) effective January 1, 1985. It stated that, absent a change in the existing separations procedures, this would result in a sudden and major shift of costs to the intrastate jurisdiction. As a result, New York State requested an interim freeze of the customer contact factor[3] used in Part 67 of the Commission's rules to allocate Account 645, Local Commercial Operations.[4]

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[1] *MTS and WATS Market Structure and Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board*, CC Docket Nos. 78–72 and 80–286, Mimeo No. CC 3400, released March 25, 1985.

[2] In its *Recommended Interim Order*, the Joint Board also requested comments and data regarding permanent procedures for the allocation and recovery of Account 645 costs, changes in the provisions for the allocation and recovery of Account 662, Accounting Department costs, as well as the definition and allocation of equal access and network reconfiguration costs.

[3] Pursuant to § 67.365(a)(1)(i) of the Commission's rules, the portion of Account 645 expense categorized as message toll is apportioned between the state and interstate jurisdictions on the basis of "the relative number of business office contacts relating to state toll and interstate toll messages." 47 CFR 67.365(a)(1)(i) (1984). This is referred to herein as the customer contact factor.

[4] Account 645 reflects the costs involved in maintaining the local commercial operations of the telephone company other than promotional or directory services. This includes service order processing for local customers and interexchange carriers, billing inquiry, collection of coins from pay telephones as well as certain billing and collection functions.

between the state and interstate jurisdictions.

3. The implementation of AT&T's billing inquiry service in the area served by New York Telephone is part of an overall plan on the part of AT&T to terminate its subscription to the billing inquiry services offered by the BOCs. In the future, AT&T will respond to inquiries concerning the charges for its interexchange telephone services through billing inquiry centers operated by its own employees. AT&T began operation of its first billing inquiry center during the first quarter of 1984 in Providence, Rhode Island. It plans to complete the transition to use of its own billing inquiry centers for the areas served by the BOCs by August 1985.[5]

4. Under the existing Part 67 rules for the allocation of Account 645, AT&T's decision to discontinue the use of billing inquiry service provided by the BOCs would result in a substantial increase in the intrastate allocation of Account 645 costs. With the exception of the expenses in the TWX and private line categories,[6] the assignment of Account 645 costs to the interstate jurisdiction is largely attributable to the customer contact factor. However, since the billing inquiry function appears to represent a small portion of the work performed in the local telephone company business office, the BOCs may not be able to reduce their costs substantially when AT&T begins to perform this service for itself. The allocation of Account 645 also affects the allocation of a number of other accounts, thereby magnifying the effect of a shift in Account 645 costs to the intrastate jurisdiction.[7] A number of commenting parties estimated that AT&T's decision to discontinue billing inquiry service could increase the annual intrastate revenue requirement by approximately $1 billion on a nationwide basis. AT&T did not endorse this estimate of the revenue effect under the present rules, but agreed that the shift in costs would be "substantial."

II. Discussion

A. Allocation of Account 645 Costs

5. The Joint Board recommended that the Commission freeze the customer contact factor applicable to study areas for which AT&T has begun or will begin to handle its own billing inquiries at the average level for the twelve months preceding that date. It recommended application of this factor from the date on which AT&T began use of its own billing inquiry facilities through May 31, 1985. Beginning June 1, 1985, the Joint Board recommended that the frozen customer contact factor for these study areas be reduced by 1/24th each month for the following twelve months or until adoption of permanent measures for the allocation of Account 645, whichever occurs first. In the case of study areas for which AT&T begins to handle its own billing inquiries after June 1 1985, the customer contact factor would be frozen at the average level for the twelve months preceding that date, with the factor reduced by 1/24th for each of the following twelve months pending adoption of permanent allocation measures.[8]

6. For the reasons set out by the Joint Board in its *Recommended Interim Order*, we conclude that the recommended interim separations procedures should be adopted to prevent a sudden and substantial shift in costs to the intrastate jurisdiction while the Joint Board is developing recommendations concerning permanent provisions for the allocation of Account 645. Accordingly, we hereby adopt the interim revisions to Part 67 of the Commission's rules recommended by the Joint Board as set out in Attachment A.

B. Recovery of the Interstate Cost Allocation

7. The local exchange carriers will have to adjust their access charge tariffs in order to properly reflect the reduced interstate allocation of Account 645 costs that begins on June 1, 1985. A number of the parties that commented on the New York State Petition addressed the issue of recovery of the modified interstate revenue requirement. AT&T stated that billing inquiry costs should not be recovered through increases in other billing and collection rate elements. Ameritech noted that interim revisions in the interstate charges for recovery of Account 645 costs might be necessary, but did not recommend a particular recovery mechanism. Bell Atlantic argued that the Commission should take steps to allow the exchange carriers to recover the revenues lost due to AT&T's discontinuation of billing inquiry service through other interstate rates. NYNEX argued that the local exchange companies should be allowed to make interim charges in their interstate access charges to recover the costs previously recouped through the charges for billing inquiry service. NYNEX also stated that the recovery of these costs during the transition period should not be structured so as to increase the charges for the other billing and collection rate elements. Pacific urged a freeze on the Part 69 assignment of Account 645 costs to the various access charge elements pending adoption of permanent revisions. GTE recommended that Account 645 costs be treated as overhead, and recovered through the carrier common line charge or spread over all of the access charge rate elements. During the period of the freeze, Rochester Telephone urged recovery of Account 645 costs through other billing and collection rate elements.

8. MCI filed reply comments stating that it did not oppose interim separations procedures for the allocation of Account 645 as long as the Account 645 costs are recovered through the interstate billing and collection rate elements. MCI strongly opposed any approach that would recover Account 645 costs from the Other Common Carriers (OCCs) during this transition period. In its reply, NYNEX emphasized the need for waivers of Part 69 of the Commission's rules to allow recovery of the interstate allocation of Account 645 costs during the transition period. It opposed recovery of these costs through the remaining billing and collection rate elements. Pacific again stated that the Commission should freeze the assignment of Account 645 costs to the different access charge elements pursuant to Part 69 of the Commission's rules. Southwestern Bell supported recovery of the Account 645 costs through a surcharge on all access charge

[5] AT&T stated that it has no current plans to terminate its use of billing inquiry service offered by the independent telephone companies.

[6] Pursuant to § 67.365 of the Commission's rules, the costs in Account 645, Local Commercial Operations, are assigned to the following categories: (1) Message toll and telegram; (2) exchange, including semi-public; (3) directory advertising; and (4) TWX and private line services. This assignment is based on the relative number of users of these services. Each subscriber is counted once for each service which he or she uses. The message toll and telegram expense category is segregated between message toll and telegram on the basis of billed messages. Message toll expense is allocated between the jurisdictions on the basis of the relative number of business office contacts concerning state and interstate toll service. As stated *supra* note 3, this is referred to herein as the customer contact factor. Both the expense associated with telegram service and the costs in the exchange and directory advertising categories are assigned to the local exchange operation. The costs in the TWX category are apportioned based on billed TWX connections. Private line expenses are allocated based on the relative number of private line service accounts.

[7] The accounts affected include among others, Account 640, General Commercial Expenses, Account 281, Furniture and Office Equipment, Account 672, Relief and Pensions, Account 307, Social Security Taxes, and the wage portion of Accounts 661 through 667, General Expenses.

[8] Independent telephone companies would not be affected by the freeze or phase-down measures unless AT&T begins to provide its own billing inquiry services in their study areas. *See supra* note 5.

rate elements except billing and collection during any interim period. United supported recovery of the interim interstate allocation of Account 645 costs through charges for billing and collection services. Rochester Telephone opposed increasing the carrier common line charge to offset the loss of interstate billing inquiry revenues. The National Telephone Cooperative Association (NTCA) and the Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO) requested institution of rulemaking proceedings to revise the relevant provisions of the access charge rules. The International Communications Association (ICA) took the position that any shift in costs to the intrastate jurisdiction should be accompanied by a requirement that AT&T flow through its savings in the form of reductions in its interstate rates.

9. At present, most of the BOCs' access charge tariffs are designed to recover a large portion of the interstate allocation of Account 645 costs through charges for billing and collection services. Many of the BOCs have a separate billing inquiry rate element in their tariffs designed to recover Account 645 costs, although other BOCs do not have a separate charge for billing inquiry service. The remainder of the interstate Account 645 costs are recovered through a number of different access charge rate elements.[9] As previously stated, the interstate allocation of Account 645 also affects the allocation of a number of other accounts. Many of these accounts involve overhead expenses, with the resulting interstate cost allocation reflected in the charges for all of the access charge rate elements. Thus, the interstate allocation of Account 645 affects the costs underlying the rates for all of the access charge rate elements. Application of the present Part 69 rules would require adjustments in all of these rate elements to reflect the interim phase-down in the interstate allocation of Account 645 costs. We conclude that the administrative burdens involved in such an approach far outweigh any benefits, particularly since these are only interim measures to be used pending adoption of permanent changes in the allocation and cost recovery procedures for Account 645.

10. In order to eliminate the need for a complete refiling of the access charge tariffs to reflect the effect of the interim separations procedures adopted herein, we are directing the BOCs to file interim tariff revisions designed to reflect the full effect of the interim separations changes through changes in the rates for billing and collection services and establishment of a new traffic sensitive rate element.[10] The revenue recovery measures that we are adopting involve: (1) New billing and collection rates that no longer reflect Account 645 costs associated with message toll inquiry; and (2) a new traffic sensitive rate element that recovers the revenue requirements removed from the billing and collection rate elements net of the total change in the interstate revenue requirement due to these interim separations procedures.

11. Accordingly, we are directing the affected BOCs to file new billing and collection charges which reflect the removal of Account 645 costs associated with message toll inquiry from the pre-existing revenue requirement[11] for the billing and collection rate elements. A new interim traffic sensitive rate element is also to be filed to recover: (1) The pre-existing interstate revenue requirement for Account 645 costs associated with message toll inquiry[12] previously assigned to billing and collection services;[13] minus (2) the total reduction in the interstate revenue requirement due to the interim separations changes adopted herein. The total reduction in the interstate revenue requirement referred to above is to include the reduced interstate allocation of Account 645 costs as well as the effect of the change in the allocation of Account 645 on all other affected accounts.[14] This interim rate element is to apply only to AT&T traffic. Part 69 of the Commission's rules is hereby waived to the extent necessary to allow these tariff filings.

12. The BOCs for whom the phase-down begins on June 1, 1985, are to file revised access charge tariff provisions consistent with this *Order* not later than 15 days after its release, to be effective on 15 days' public notice. In cases where AT&T will begin to provide its own billing inquiry service after June 1, 1985, the affected BOC is to file access charge tariff revisions consistent with this *Order* on no less than 45 days' public notice, to be effective on the date when AT&T begins providing its own billing inquiry service for the study area involved.[15] The tariff provisions dealing with the new interim rate element are to contain a different rate for each month to reflect the monthly reduction in the interstate cost allocation.[16] As previously mentioned, this interim rate element is to remain in effect until the Commission adopts new provisions for the allocation and recovery of costs in Account 645 and other affected accounts. Since this interim rate element reflects the full reduction in the interstate allocation of Account 645, as well as other affected accounts, the

[9] The rate elements involved include common line, line termination, local switching, intercept, information, local transport, and special access, among others.

[10] When AT&T discontinued billing inquiry service, it was able to terminate payment of the separate billing inquiry rate element contained in many of the BOC access charge tariffs absent continuing contractual obligations. Several of the BOCs have experienced revenue shortfalls as a result of this. The revised access charge provisions provided for in this *Order* are not designed to recover these forgone revenues. Absent unusual circumstances, rates for future periods can not be designed to recover revenue shortfalls from prior periods. *See Nader v. FCC*, 520 F.2d 182 (D.C. Cir. 1975). We conclude that the present circumstances do not justify a departure from this basic principle. AT&T's decision to implement its own billing inquiry service and Joint Board consideration of interim separations changes created uncertainty concerning the allocation of Account 645 costs. However, the BOCs were in no way precluded from seeking interstate rate adjustments during this period to recover the revenues that would have been generated by the billing inquiry rate element. Even if the Commission did not make the freeze in the interstate allocation of Account 645 costs applicable when AT&T instituted its own billing inquiry service, and instead allowed a temporary transfer of Account 645 costs to the intrastate jurisdiction, it is unlikely that the BOCs would have been able to recover these costs through intrastate rates.

[11] This refers to the revenue requirement underlying the currently effective access charge tariffs.

[12] The existing separations procedures divide the costs in Account 645 into the following categories: (1) Message toll and telegram; (2) exchange including semi-public; (3) directory advertising; and (4) TWX and private line services. *See supra* note 6. Here, we are concerned only with the interstate portion of Account 645 associated with message toll.

[13] The interstate allocation of Account 645 is recovered through a number of access charge rate elements. Only the billing and collection rate elements are affected by the interim tariff revisions that we are adopting.

[14] We anticipate that the relevant Account 645 costs will exceed the reductions in the interstate cost allocation described above throughout the limited period that this interim rate element is to be in effect. If this ceases to be the case, appropriate adjustments will be required in other access charge rate elements.

[15] A shorter period of public notice will have to be allowed if AT&T initiates its own billing inquiry service for a particular study area in June or July. In this event, there would not be adequate time for the BOC to prepare a tariff filing with 45 days' public notice and still have the filing become effective when AT&T begins providing its own billing inquiry service.

[16] The alternative to this approach involves a single charge applicable during the interim period, designed to reflect the average level of the interstate assignment over that period. We do not believe that this approach is desirable since it is not possible to predict exactly how long these interim measures will remain in effect.

BOCs are not to reflect the reduced interstate cost allocation in their charges for other access charge rate elements until we adopt permanent provisions for the allocation and recovery of these costs.[17]

13. These interim measures for the recovery of Account 645 costs will be effective until permanent provisions for the recovery of these costs become effective. The Joint Board's *Recommended Interim Order* requested comments concerning permanent measures for the allocation and recovery of Account 645 costs, and we expect that these filings will provide us with a sound record on which to base permanent revenue recovery procedures. Pending adoption of permanent measures, these interim procedures will allow a phase-down in the interstate access charge revenue requirement with a minimum of administrative burdens. A separate interim traffic sensitive rate element is preferable to requiring similar adjustments in the rates for billing and collection services because it will not create artificial incentives for AT&T to discontinue use of the billing and collection services offered by the BOCs. In addition, use of an interim traffic sensitive rate element will eliminate the possible need for further tariff revisions in the event AT&T discontinues some or all billing and collection services.[18] During this interim period, the Account 645 costs previously recovered through the charges for billing and collection services, reduced as described above, will be recovered from AT&T. Limiting the application of this new charge to AT&T during this interim period is appropriate since AT&T is the only interexchange carrier that has regularly used BOC billing and collection services including billing inquiry service. The question of permanent measures for the recovery of interstate Account 645 costs, including the issue of which interexchange carriers should pay these costs, will be considered in conjunction with permanent measures for the allocation of Account 645.

14. Reflecting the total reduction in the interstate revenue requirement due to the phase-down in the interstate allocation for Account 645 in this new rate element to be paid by AT&T means that other interexchange carriers that pay other access charge rate elements affected by this change in separations will not benefit from the phase-down during this interim period. This approach is appropriate on an interim basis in light of the fact that we are requiring AT&T to bear most of the burden of maintaining the higher interstate allocation of Account 645, even when AT&T, like the other interexchange carriers, performs its own billing inquiry service.

15. The measures for the recovery of Account 645 costs provided for in this *Order* certainly represent a "rough justice" solution. However, we believe that they are justified for a limited interim period, pending adoption of permanent rule changes, by the reduced administrative burdens involved, and come within our authority to provide for interim procedures which may not reflect the degree of precision which would be desirable in permanent measures. *See Mobil Alaska Pipeline Company v. United States*, 436 U.S. 631 (1978). If further comments or data filed in this proceeding lead us to conclude that these interim measures for the recovery of Account 645 costs are inappropriate, we will provide for any necessary adjustments when we adopt permanent revenue recovery measures. *See Bell Telephone Company of Pennsylvania v. FCC*, Case No. 84–1259 (D.C., Cir. May 14, 1985).

III. Ordering Clauses

16. Accordingly, it is ordered, that the revisions to Part 67 of the Commission's rules set out in Attachment A, are adopted.

17. It is further ordered, that Part 69 of the Commission's rules is waived to the extent necessary to allow recovery of the interstate allocation of the Account 645 costs as set out above.

18. It is further ordered, that the Bell Operating Companies for which the phase-down begins on June 1, 1985 are to file tariff revisions consistent with this *Order* 15 days after its release to be effective on 15 days' public notice. For this purpose, §§ 61.58 and 61.59 of the Commission's rules, 47 CFR §§ 61.58 and 61.59, are waived.

19. It is further ordered, that the remaining affected Bell Operating Companies are to file tariff revisions consistent with this *Order* on not less than 45 days' public notice.

20. It is further ordered, that the Secretary is to publish this *Interim Order* in the **Federal Register**.[19]

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 67—[AMENDED]

Appendix

Part 67 of Title 47, Chapter 1, of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 67 continues to read as follows:

Authority: Secs. 1, 4(i) and (j), 201–205, 221, 403, and 410 of the Communications Act, as amended, 47 U.S.C. 151, 154(i), and (j), 201–205, 221, 403, and 410.

2. In § 67.365, paragraph (a)(1)(i) is revised to read as follows:

§ 67.365 Local commercial operations-account 645.

(a) * * *

(1) * * *

(i) In the case of study areas for which the American Telephone and Telegraph Co. (AT&T) subscribes to the billing inquiry service offered by the local exchange company, message toll expense is apportioned between state toll and interstate toll operations on the basis of the relative number of business office contacts relating to state toll and interstate toll messages. In the case of study areas for which AT&T begins to handle its own billing inquiries, the relative number of business office contacts relating to state toll and interstate toll messages is to be frozen at the average level for the twelve months preceding the date on which AT&T began to perform its own billing inquiry service. In the case of study areas for which AT&T begins to handle its own billing inquiries before May 31, 1985, the frozen factor described above will remain in effect through this date. For these study areas, beginning June 1, 1985, the frozen factor is to be reduced by 1/24th each month for twelve consecutive months or until adoption of permanent allocation procedures for Account 645, whichever comes first. In the case of study areas for which AT&T begins to handle its own billing inquiries

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[17] We do not expect that the Commission will adopt permanent provisions prior to the access charge tariff filings scheduled for July 2, 1985. Accordingly, the revised charges for the other access charge rate elements contained in those filings are not to reflect the reduced interstate cost allocation resulting from the interim separations procedures adopted herein.

[18] While we believe that use of this interim traffic sensitive rate element is desirable, we will consider requests for waiver to allow recovery of the reduced interstate cost allocation through other rate elements. In this regard, we note that NYNEX has filed tariff revisions designed to recover revenue previously recoverd through the charges for billing and collection service through another billing and collection rate element. New York Telephone Company Transmittal No. 684, filed April 10, 1985, effective May 25, 1985.

[19] These actions are taken pursuant to sections 1, 4(i) and (j), 201 through 205, 221, 403, and 410 of the Communications Act, as amended, 47 U.S.C. 151, 154(i), and (j), 201 through 205, 221, 403 and 410. This *Interim Order* is to be effective upon release of the full text by the Commission. We find that there is good cause to make the *Order* effective at that time to allow the BOCs to go forward with the necessary tariff filings expeditiously.

after May 31, 1985, the relative number of business office contacts relating to state toll and interstate toll messages is to be frozen at the level described above. Beginning on the date on which AT&T begins to perform its own billing inquiry service for that study area, the frozen factor will be reduced by 1/24th each month for twelve consecutive months or until adoption of permanent allocation procedures for Account 645, whichever comes first.

* * * * *

[FR Doc. 85-15231 Filed 6-24-85; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-295; RM-4597]

FM Broadcast Stations in Salamanca, NY, and Bradford, PA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Exchange of unoccupied FM channels between Salamanca, New York, and Bradford, Pennsylvania, in response to a petition filed by Altair Communications, Inc. Action taken herein assigns Channel 252A to Salamanca, New York, and Channel 261A to Bradford, Pennsylvania.

EFFECTIVE DATE: July 26, 1985.

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

FOR FURTHER INFORMATION CONTACT: D.D. Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

Report and Order (Proceeding Terminated)

Amendment of § 73.202(b), table of allotments FM broadcast stations. (Salamanca, New York, and Bradford, Pennsylvania) (MM Docket No. 84-295, RM-4597).

Adopted: June 7, 1985.
Released: June 19, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 49 FR 14543, published April 12, 1984, proposing an exchange of channels between Salamanca, New York (Channel 261A), and Bradford, Pennsylvania (Channel 252A). The *Notice* was adopted in response to a petition filed by Altair Communications, Inc. ("petitioner") seeking to alleviate transmitter siting problems on Channel 261A at Salamanca, New York. Petitioner has filed comments reaffirming its intention to apply for Channel 252A, if assigned to Salamanca, New York.

2. Both channel substitutions can be made in compliance with the minimum distance separation requirements with a site restriction at Salamanca, New York, 4.9 miles southeast of that community. Canadian concurrence for the channel substitutions has been received.

3. Although Channel 252A at Bradford, Pennsylvania is currently unoccupied, there are three applicants for its use.[1] The applicants for the Bradford channel have filed no objections to the proposed substitution. Since the channel substitutions do not constitute major amendments the applicant's "cut-off" status will be protected and they will be permitted to amend their applications to specify operation on Channel 261A instead of Channel 252A without the opportunity for others to apply. See *Bountiful, Utah*, et al., 48 R.R. 2d 1322 (1982); and *Miami, Florida*, 45 FR 2811, published January 15, 1980.

4. In view of the foregoing and the fact that the channel substitutions would provide Salamanca with an increased opportunity for a FM service, we believe the public interest would be served by the assignment of Channel 252A to Salamanca, New York and the assignment of Channel 261A to Bradford, Pennsylvania.

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204 and 0.283 of the Commission's Rules, it is ordered, That effective July 26, 1985, the FM Table of Allotments, § 73.202(b) of the Commission's Rules, is amended for the following communities:

City	Channel No
Salamanca, New York	252A
Bradford, Pennsylvania	261A

6. It is further ordered, that the Secretary shall send a copy of this *Report and Order* to each of the applicants listed below:

Mountain Media, Inc., c/o Lauren A. Colby, Esq., 532 Pearl Street, Frederick, Maryland 21701

Bradcom, Inc., c/o Frederick A. Polner, Esq., Rothman, Gorden, Foreman & Groudine, 300 Grant Building, Pittsburgh, Pennsylvania 15219

Donald J. Fredeen, c/o James A. Koerner, Esq., Baraff, Koerner, Olender & Hochberg, 2033 M Street, NW., Suite 203, Washington, D.C. 20036.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-15227 Filed 6-24-85; 8:45 am]
BILLING CODE 6712-01-M

[1] The applicants are: Mountain Media, Inc. (BPH-830222AG); Donald J. Fredeen (BPH-830707AE) and Bradcom, Inc. (BPH-830714BB). In an Initial Decision Donald J. Fredeen's application was granted. Exceptions to the Initial Decision are now pending.

47 CFR Part 74

Oversight of the Radio and TV Broadcast Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action deletes § 74.731(j) of the Commission's Rules, which contains language identical to a rule eliminated previously which allowed the tendering of television translator applications that propose 1000 watt UHF operation on a channel for which a full service television station is authorized but not operating.

This action eliminates an inconsistency and corrects an obvious inadvertence in the Commission's Rules.

EFFECTIVE DATE: June 25, 1985.

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

FOR FURTHER INFORMATION CONTACT: Terry L. Haines, Mass Media Bureau, (202) 632-3894.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 74

Television broadcasting.

Order

In the matter of oversight of the Radio and TV Broadcast rules.

Adopted: June 17, 1985.
Released: June 20, 1985.

By the Chief, Mass Media Bureau.

1. In this *Order*, the Commission focuses its attention on its oversight of its TV broadcast rules. A modification is