participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identifying this notice (CGD14–90–01) and the specific section of the proposal to which the comments apply, and give reasons for each comment.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid in the rulemaking process.

Drafting Information

The drafters of this regulation are LT Michael Swegles, project officer, Office of Aids to Navigation, and CDR M.J. Williams Jr., project attorney, Fourteenth Coast Guard District Legal Office, Honolulu, Hawaii.

Discussion of Proposed Regulations

The State of Hawaii, Department of Transportation, has requested that Keehi Lagoon special anchorage area be enlarged. Vessels not more than 65 feet in length, when at anchor in any special anchorage area are not required to carry or exhibit the white anchor lights or sound signals required by the Navigation Rules.

A special anchorage area is established for the sole purpose of permitting smaller vessels to anchor without lights or sound signals. A special anchorage area does not affect ownership, control or use of any moorings on submerged lands.

Vessels currently anchor outside the existing special anchorage area. This proposal would allow those vessels to extinguish their anchor lights when located within the enlarged anchorage area.

The State of Hawaii plans to develop and expand the Keehi Lagoon Marina and anticipates increased small boat usage in this area. A Coast Guard decision to enlarge the special anchorage area will neither authorize nor prohibit the planned activities of the State of Hawaii in Keehi Lagoon.

This regulation is issued pursuant to 33 U.S.C. 471, 2030, 2035, and 2071 as set out in the authority citation for all of part 110.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have significant economic impact on a substantial number of small entities.

Environmental Impact

The Coast Guard has thoroughly reviewed this rulemaking and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2, of Commandant Instruction (COMDTINST) M16475.1B. A Categorical Exclusion Determination statement has been prepared and is included as part of the rulemaking docket.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 110

Anchorage regulations.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 110 of Title 33, Code of Federal Regulations, as follows:

PART 110—[AMENDED]

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Sec. 110.1a and each section listed in 110.1a is also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.128d is amended by revising the heading and paragraph (c) to read as follows:

§ 110.128d Island of Oahu, Hawaii. (Datum: OHD)

* * * * *

(c) *Keehi Lagoon.* The waters of Keehi Lagoon bounded by a line connecting the following points:

Latitude	*Longitude*
21°19'35.0" N.,	157°54'06.0" W.,
21°19'37.7" N.,	157°53'58.0" W.,
21°19'06.4" N.,	157°53'41.9" W.,
21°19'00.8" N.,	157°53'44.1" W.,
21°18'59.9" N.,	157°53'49.7" W.,
21°19'04.9" N.,	157°53'50.0" W.,

and thence to the point of beginning.

* * * * *

Dated: November 9, 1990.

W.C. Donnell,

Rear Admiral, U.S. Coast Guard Commander 14th Coast Guard District.

[FR Doc. 90–28351 Filed 12–3–90; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–1–FRL–3866–3]

Approval and Promulgation of Air Quality Implementation Plans; Vermont; Nitrogen Dioxide National Ambient Air Quality Standards and Prevention of Significant Deterioration Increments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a proposed State Implementation Plan (SIP) revision submitted by the State of Vermont. This revision establishes National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide (NO_2) and incorporates Prevention of Significant Deterioration (PSD) NO_2 increments and related requirements. The intended effect of this action is to propose approval of a program to implement the NO_2 increments in the State of Vermont in accordance with 40 CFR 51.166 and to propose approval of the NO_2 NAAQS which were adopted in accordance with 40 CFR 50.11. This action is being taken under section 110 of the Clean Air Act.

DATES: Comments must be received on or before January 3, 1991. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment, at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA, and the Air Pollution Control Division, Agency of Natural Resources, Building 3 South, 103

South Main Street, Waterbury, VT 05676.

FOR FURTHER INFORMATION CONTACT: Cherryl A. Aloi, (617) 565-3252; FTS 835-3252.

SUPPLEMENTARY INFORMATION: On September 4, 1990, the Vermont Air Pollution Control Division submitted a proposed revision to its SIP. The revision consists of the NAAQS for NO_2 and a program to implement the NO_2 increments to prevent the significant deterioration of air quality in the State of Vermont.

Background

I. NO_2 NAAQS

Pursuant to section 109 of the Clean Air Act of 1970, EPA developed and promulgated NAAQS for NO_2. Primary standards define levels of air quality which protect the public health, and secondary standards define levels which protect the public welfare from any adverse effects of a pollutant. The following NAAQS for NO_2, described in 40 CFR 50.11, were published in the **Federal Register** on November 25, 1971 and were last revised on June 19, 1985 (50 FR 25544).

Primary Standard: 0.053 ppm annual arithmetic mean

Secondary Standard: 0.053 ppm annual arithmetic mean

II. NO_2 Increments

On October 17, 1988 (53 FR 40656), EPA promulgated regulations under section 166 of the Clean Air Act (the Act) to prevent significant deterioration of air quality from emissions of nitrogen oxides (NO_x). These regulations establish the maximum allowable increase in the ambient NO_2 concentration allowed above the baseline concentration in an area. These maximum allowable increases are called "increments." The increments use NO_2 as the numerical measure because NO_2 is the pollutant on which the NAAQS for NO_x were based. In addition, NO_x emissions from stationary sources convert to NO_2 in the atmosphere. The NO_2 increment program has a three-tiered area classification system which was established by Congress in section 163 of the Act for increments of sulfur dioxide and particulate matter. Congress designated Class I areas (including certain national parks and wilderness areas) as areas of special national concern, where the need to prevent the significant deterioration in air quality is the greatest. Therefore, the increment levels in Class I areas are the most stringent. Class II increments allow for a moderate degree of growth. Class III increments allow for higher levels of industrial growth. There are no Class III areas in the country yet. (Originally, all areas not designated as Class I were designated as Class II, unless the State submitted an area to EPA for redesignation as a Class I or III area.)

The NO_2 increments for the three areas are the following:

Class I: 2.5 $\mu g/m^3$ annual arithmetic mean
Class II: 25 $\mu g/m^3$ annual arithmetic mean
Class III: 50 $\mu g/m^3$ annual arithmetic mean.

Forty CFR § 51.166 sets forth the minimum federal requirements for the PSD program. State PSD programs must meet all of these requirements. The effective date of the amendments to 40 CFR 51.166 which incorporate the NO_x increments was October 17, 1989.

Summary of Vermont's SIP Revision

The Agency of Natural Resources (ANR) has proposed to adopt changes to its regulations which incorporate the primary and secondary NAAQS for NO_2, the PSD NO_2 increments, and related requirements. On September 4, 1990, EPA received these SIP revisions for parallel-processing.

The State is proposing changes to the "Vermont Air Pollution Control Regulations Approved in SIP." The changes are being made to section 5-104 "Definitions," section 5-301 "Scope of Air Quality Standards," section 5-309 "NO_2 Primary and Secondary Standards," and Table 2 "PSD Increments." In addition, the State amended its New Source Review (NSR) SIP narrative entitled "The State of Vermont Air Quality Implementation Plan." Vermont proposed these revisions on the state level and held a public hearing on September 25, 1990.

EPA's review of this material indicates that these revisions are, with the exceptions noted below, equivalent to, or in some instances, more stringent than, the requirements in 40 CFR 51.166. Vermont's program for NO_2 standards, PSD increments and EPA's evaluation are detailed in a memorandum dated November 16, 1990, entitled "Technical Support Document—Vermont Prevention of Significant Deterioration (PSD) Nitrogen Dioxide (NO_2) Increment Regulations and NO_2 National Ambient Air Quality Standards (NAAQS)." Copies of this memorandum are available, upon request, from the EPA Regional office listed in the **ADDRESSES** section of this notice.

Changes Necessary Prior to Final Rulemaking

The Vermont ANR must make specific changes to its regulations and narrative before final approval of this SIP revision. The ANR must amend the reference method by which compliance with the NO_2 standards is measured to make it consistent with that stated in 40 CFR 50.11. The ANR also must amend its NSR narrative to clarify the minor source and major source baseline dates for NO_2. This will help explain how increment consumption will be calculated. In addition, the ANR should commit to develop a NO_x emissions inventory and determine increment consumption for the transition period between February 8, 1988, and the effective date of Vermont's regulations. Finally, the ANR must commit to correcting an increment violation within 60 days in accordance with 40 CFR 51.166(a)(3).

EPA is proposing to approve this Vermont SIP revision, submitted on September 4, 1990, which establishes ambient air quality standards for NO_2 and PSD increment levels for NO_2, provided the ANR addresses the necessary changes listed above. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this notice.

This revision is being proposed under a procedure called parallel processing, whereby EPA proposes rulemaking action concurrently with the state's procedures for amending its regulations. If the proposed revision is substantially changed in areas other than those identified in this notice, EPA will evaluate those changes and may publish another notice of proposed rulemaking. If no substantial changes are made other than those areas cited in this notice, EPA will publish a Final Rulemaking Notice on the revisions. The final rulemaking action by EPA will occur only after the SIP revision has been adopted by Vermont and submitted formally to EPA for incorporation into the SIP.

Proposed Action

EPA is proposing to approve changes to section 5-104 "Definitions," section 5-301 "Scope of Air Quality Standards," section 5-309 "NO_2 Primary and Secondary Standards," and Table 2 "PSD Increments" of the "Vermont Air Pollution Control Regulations." In addition, EPA is proposing to approve the new source review narrative changes to "The State of Vermont Air Quality Implementation Plan."

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

The Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7642.

Dated: November 25, 1990.

Paul Keough,

Acting Regional Administrator, Region I.

[FR Doc. 90–28410 Filed 12–3–90; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 32, 36, 64 and 69

[CC Docket No. 90–571; FCC 90–376]

Telephone Communication by Hearing and Speech Impaired

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice of Proposed Rulemaking (NPRM) seeks comments on proposed amendments to parts 0 and 64 of the rules of the Federal Communications Commission (FCC). Moreover, as explained in paragraph 19 of NPRM, we ask interested parties to comment on additional changes in the rules which they believe are needed, including parts 32, 36 or 69, and to recommend schedules and procedures for implementing such proposed changes. This proceeding is initiated pursuant to requirements of the Americans with Disabilities Act of 1990 (ADA). The amendments are intended to provide the nation's 26 million hearing and speech impaired with telephone services functionally equivalent to those provided to hearing individuals.

DATES: Written comments must be received by the FCC on or before January 15, 1991, and reply comments on or before February 15, 1991. The requirements for filing comments in a proposed rulemaking proceeding are contained in §§ 1.415 and 1.419 of FCC rules. Additionally, questions on how to file comments may be directed to the FCC's Consumer Assistance and Small Business Division, (202) 632–7000.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Abraham A. Leib, Chief, Domestic Services Branch, Common Carrier Bureau, (202) 634–1816.

SUPPLEMENTARY INFORMATION: The complete text of the NPRM, and pertinent changes to the Communications Act and proposed changes to FCC rules, is made a part of this notice.

The following collection of information contained in the proposed rules has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act. Copies of the submission may be purchased from International Transcription Service, 2100 M St., NW., suite 140, Washington, DC 20037, (202) 857–3800. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–3785. Copies of comments made should also be sent to the Federal Communications Commission, Office of Managing Director, Washington, DC 20554. For further information, telephone Judy Boley, FCC, (202) 632–7513.

OMB number: None.

Title: Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals, and the Americans with Disabilities Act of 1990 (CC Docket No. 90–571).

Action: New collection.

Respondents: State governments, individuals or households.

Frequency of response: On occasion.

Estimated annual burden: The following estimates pertain to the reporting requirements proposed in the NPRM: 50 responses, 8,000 hours total; 160 hours average burden per response for state certification application; 20 responses; 4,800 hours total; 240 hours average burden per response for complaints.

Needs and uses: The proposed rule amendments are designed to implement certain provisions of the ADA, and also to solicit comments on procedures for certifying sate programs and for filing complaints filed. Those affected are states seeking certification of their programs, and any member of the public who wants to file a complaint against a specific carrier or carriers.

Authority: Sections 1, 4 (i)–(j) 225, 403 and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154 (i)–(j), 225, 403 and 410; and 5 U.S.C. 553.

The following represents the contents of the NPRM issued by the Commission:

Notice of Proposed Rulemaking

In the Matter of Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals, and the Americans with Disabilities Act of 1990.
Adopted November 8, 1990.
Released November 16, 1990.

I. Introduction

1. This proceeding is initiated because of the passage of the Americans with Disabilities Act of 1990 (ADA), S. 933, Public Law 101–336, 104 Stat. 327, 366–69 (1990). The ADA's purpose is "to provide a clear and comprehensive national mandate to end discrimination against individuals with disabilities and to bring persons with disabilities into the economic and social mainstream of American life; to provide enforceable standards addressing discrimination against individuals with disabilities, and to ensure that the Federal government plays a central role in enforcing these standards on behalf of individuals with disabilities." [1] Title IV of the ADA adds new section 225 to the Communications Act of 1934, as amended, 47 U.S.C. 151 *et seq.*, (the Act), and amends existing section 711.[2] Section 225 requires the

[1] S. Rep. No. 116, 101st Cong., 1st Sess. 2 (1989) (S. Rep.); H.R. Rep. No. 485, 101st Cong., 2d Sess. 31 (1990) (H.R. Rep.). See Appendix A.

[2] Section 711 is amended to require that any public service announcement, either partially or wholly funded by the federal government, shall include closed captioning of the verbal content of the announcement. It also states that a television broadcast licensee shall not be required to supply closed captioning for any such announcement that does not include closed captioning. Unless the licensee intentionally fails to transmit the closed caption that was included in the announcement, the licensee shall not be held liable for broadcasting any such announcement without transmitting a

Continued

Commission to promulgate regulations in furtherance of the purposes of the ADA.[3]

2. The Act mandates that communications services be "[made] available, so far as possible, to *all* the people of the United States * * *." 47 U.S.C. section 151 (emphasis added). Many of the nation's 26 million hearing and speech impaired are unable to access fully the nation's telephone system; for them universal service has not been achieved.[4] The intent of title IV of the ADA is to further the Act's goal of universal service by providing to hearing and speech impaired individuals telephone services that are functionally equivalent to those provided to hearing individuals. To accomplish this, new section 225 imposes on all common carriers providing interstate or intrastate telephone service an obligation to provide to hearing and speech-impaired individuals telecommunications services that enable them to communicate with hearing individuals.[5] The ADA requires the Commission to establish functional requirements, guidelines, and operational procedures for relay services, and to establish minimum standards that shall be met in carrying out the requirement that common carriers provide telecommunications relay services. The Commission's regulations are to require that telecommunications relay services operate every day for 24 hours per day, require that users of telecommunications relay services [6] pay rates not greater than rates paid for functionally equivalent voice communications services, prohibit relay operators from refusing telecommunications relay service calls or limiting their length, prohibit relay operators from disclosing the content of any relayed conversation and from keeping records of the content of such conversations beyond the duration of the call, and prohibit relay operators from intentionally altering a relayed conversation. 47 U.S.C. 225(d)(1). In addition, the Commission must ensure that its regulations' use of existing technology does not discourage or impair the development of improved technology. 47 U.S.C. 225(d)(2). The Commission also is charged with prescribing regulations governing the jurisdictional separation of costs for the services provided pursuant to section 225, subject to certain conditions; resolving complaints alleging violation of section 225; and certifying state programs for intrastate telecommunications relay services. 47 U.S.C. 225 (d)(3), (e), (f). The proceeding will culminate in the issuance of regulations that establish functional standards for the provision of telecommunications relay services.

II. Background

3. The Commission has considered the need for relay services even before passage of the ADA. In CC Docket No. 87–124, the Commission sought public comment concerning the telecommunications needs of the hearing impaired and other disabled persons, to evaluate the need for regulatory measures or legislative initiatives to ensure reasonable access to telecommunications services by those persons.[7] The Commission considered a variety of issues in the Notice, including the Commission's jurisdiction to order an interstate relay system, if it found one is necessary, options on how it should be provided, options for recovering its costs, and other issues such as standardization of the TDD signalling format, the feasibility of developing packet switched services to provide low cost connectivity for TDD users and the need for an advisory committee to address the needs of the disabled.

4. In the subsequent Order Completing Inquiry and Providing Further Notice of Proposed Rulemaking (Further NPRM), 4 FCC Rcd 6214 (1989), the Commission found, *inter alia*, that an interstate TDD relay service is necessary to provide reasonable access to telephone service to the hearing and speech impaired. It proposed for comment two alternative plans designed to accommodate interstate TDD relay service. The first would require interexchange carriers (IXCs) which have more than 0.05 percent of presubscribed lines to separately or jointly provide the service. Under this plan, the carriers would be permitted to recover their costs through charges for other interstate services. The alternative plan called for the National Exchange Carrier Association (NECA) to assume the responsibility for implementation and operation of the system. Funding for this plan would be covered by an assessment on IXCs, *i.e.*, those meeting the 0.05 percent presubscribed line criterion, based on each carrier's number of presubscribed common lines, and adding those costs to the Universal Service Fund costs.[8] In either case, there would have been no additional charge for users of the interstate TDD relay service beyond the normal end-to-end toll charges of the serving carrier.

5. In the Further NPRM, the Commission reached conclusions on several matters raised in the Notice. It concluded, for example, that standardizing the TDD signalling format [9] is unwarranted. It said that the ASCII format "would impose an unnecessary burden on owners of the Baudot devices." Further NPRM at 6225–26. This is particularly so, it noted, in view of the ability of existing relay centers to accept signals in either format, and the common ability of ASCII machines to accept Baudot. The Commission also decided that packet switching for TDD users has not been identified as a technology warranting Commission action. The Further NPRM also concluded that a formal, Commission-sponsored advisory committee is unnecessary to address the needs of the disabled. Further NPRM at 6231.

6. The provisions of the ADA, which was enacted after comments to the Further NPRM were filed with the Commission, have rendered much of the record in CC Docket No. 87–124 inapplicable. Issues raised by the Commission in CC Docket No. 87–124 concerning TDD relay services have been supplanted by the provisions of the

closed caption. *See* H.R. Rep. at 70. The legislation does not instruct the Commission, and we do not believe it necessary, to promulgate rules under this amendment. Any licensee violating section 711 would be subject to enforcement action. *See, e.g.*, 47 U.S.C. 503. Section 711 therefore will not be discussed further herein. In addition to adding section 225 and amending section 711, the ADA makes conforming amendments to sections 2(b) and 221(b).

[3] *See* section 225(d).

[4] H.R. Rep. at 34.

[5] *See* Appendix A, sections 225 (a)(3) and (c).

[6] "Telecommunications relay services" means telephone transmission services that provide the ability for an individual who has a hearing impairment or speech impairment to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services by wire or radio. This term includes services that enable communications between the user of a TDD or other nonvoice terminal device and an individual who does not use such a device. The term "TDD" means a telecommunications device for the deaf, which is a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. 47 U.S.C. 225(a) (2), (3).

[7] Notice of Proposed Rulemaking and Further Notice of Inquiry, CC Docket No. 87–124, 3 FCC Rcd 1982 (1988) (Notice).

[8] *See* Third Report and Order in CC Docket No. 78–72, Phase I, 93 FCC 2d 241 (1983); Further NPRM at 6225.

[9] Baudot and ACSII formats are currently used among TDD users. Because the speeds and coding schemes are different, conversion is required to allow a Baudot TDD to "talk to" and ASCII machine, and vice versa.

ADA. In the sections that follow, the record of CC Docket No. 87–124 will be included to the extent it may be of help in formulating proposals to implement the statutory requirements of the ADA.[10]

III. Proposed rules

7. Section 225(c) of the ADA requires that carriers providing telephone voice transmission services provide telecommunications relay services (TDD service) within three years of the date of enactment of title IV of the ADA, *i.e.*, July 26, 1993.[11] Carriers are to offer to hearing-impaired and speech-impaired individuals telephone transmission services which are functionally equivalent to telephone services provided to hearing individuals, including providing services within the same geographic radius that they offer to hearing individuals.[12] Carriers may provide such services individually, through designees, through a competitively selected vendor, or in concert with other carriers, but it is carriers that are responsible for compliance. Although carriers are provided considerable discretion as to how they provide the service, there is no provision in the statute for waiver of the requirement.[13]

8. Section 225(a)(1) of the ADA defines common carrier for purposes of telecommunications services for hearing-impaired and speech-impaired individuals as including the definition currently contained in section 3(h) of the Act "and any common carrier engaged in intrastate communication by wire or radio * * *." The commission's jurisdiction under the ADA, therefore, extends to all telephone companies and their compliance with their statutory obligations under section 225(b)(1), to provide to hearing the speech impaired individuals telecommunications services that enable those individuals to communicate with hearing individuals. Although the Commission's jurisdiction is over all common carriers, states may seek to establish that intrastate relay services satisfy federal requirements by applying to the Commission for certification. If a state system is certified by the Commission, a state retains jurisdiction over such intrastate systems. The Commission retains jurisdiction over intrastate systems where a state has not been certified or when certification has been revoked. Interstate carriers, and interstate carriers in states who have not been certified, must comply with the Commission's regulations. Intrastate carriers in states that have been certified must provide intrastate TDD service in compliance with the program certified under section 225(f) for that state. The definitions, jurisdictional statement, and essential service requirements of section 225 are set forth in proposed § 64.605 (a), (b) and (c) of the rules.

9. Section 225(d) of the ADA requires the Commission to prescribe the necessary rules and regulations to carry out the requirements of title IV, within one year of that ADA's enactment. Subsection (d)(1)(A) requires the Commission to establish functional requirements, guidelines, and operational procedures for the provision of telecommunications relay services. One of the requirements of the ADA is that all common carriers subject to the ADA must provide TDD services on a nondiscriminatory basis to all users in their telephone service areas. The Commission is under a mandate to pursue means to meet this goal in the most efficient manner.[14]

10. As an initial matter, we believe it would be premature at this time to prescribe how carriers meet their responsibilities under the ADA. Section 225 provides carriers discretion as to whether service is provided individually, jointly, or through designees, and they must have time to evaluate which approach is best. Moreover, more than 17 state sanctioned systems are in operation, some of which offer an interstate calling capability, and state authorities need time to consider what modifications should be made in view of the ADA. Although the Commission ultimately may need to prescribe a structure, doing so at this time would be inconsistent with the statutory design to permit carriers and states time to determine how to comply with the Commission's rules.

11. In response to the ADA's directives concerning functional requirements, guidelines and operational procedures, we propose that operators of TDD relay systems should be sufficiently trained to meet the specialized communications needs of individuals with hearing and speech impairments, including sufficient skills in typing, grammar and spelling. Additionally, operators should be trained in deaf culture and TDD etiquette, and should be able to interpret typewritten American Sign Language and transliterate it to spoken English, and vice versa. Further, the relay systems should include adequate staffing to provide callers with reasonably efficient access,[15] and on request operators should retry calls that are initially busy. Finally, operators should be prepared to handle emergency calls from disabled callers. Accordingly, we propose § 64.605(d)(1)(i) which will require relay systems to operate with sufficient trained personnel. Interested parties are invited to comment on the language of this proposal, and to offer additional functional requirements, guidelines and operational procedures for telecommunications relay services. Interested parties are also invited to propose analogous standards or amendments to accommodate systems that are automated, *i.e.*, systems that do not require the intervention of an operator to provide translation between audio and video.[16] Parties should explain how such systems are "functionally equivalent" to systems provided to voice users.

12. Section (d)(1)(B) of the ADA requires the Commission to establish minimum federal standards to be met by

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[10] Parties commenting on issues raised in response to this Notice of Proposed Rulemaking are requested not to rely upon or incorporate by reference submissions filed in CC Docket No. 87–124, but instead to file new, complete pleadings.

[11] The President signed Public Law 101–336 on July 26, 1990. In this order and in the rules the terms telecommunications relay services, TRS, TDD relay service and TDD service are used synonymously because today relay services rely on oral translation of TDD transmissions. *See* note 6, *supra*. The ADA makes clear, however, that the regulations we are adopting are not to impair the development of new technology. 47 U.S.C. 225(d)(2).

[12] Audiotext services, which connect callers to recorded information services, are not intended to benefit from the ADA. *See* H.R. Rep. at 68. Parties are asked to comment on what rules, if any, should be adopted relating to audiotext and other interactive services.

[13] Subpart F of part 64 of the Commission's Rules, Furnishing of Customer-Premises Equipment and Related Services Needed by Persons with Impaired Hearing, Speech, Vision or Mobility, appears the most logical place to put rules implementing the ADA. The proposed rules are attached hereto as appendix B.

[14] S. Rep. at 81.

[15] Some state guidelines for intrastate systems have such requirements. *See, e.g.*, Standards of Service for Telephone Utilities, 83 Ill. Adm. Code part 756. *See also* discussion regarding network blocking and congestion, *infra*, para. 12.

[16] Conversion of computer stored text to human-like speech is called text-to-speech. Although automated systems have the potential of providing relay services in an efficient manner, there is no evidence before us showing such automated systems currently could satisfy the requirements of title IV. For example, the technology to correct errors and abbreviations is imperfect and, according to AT&T, will be several years in development. AT&T Letter To Honorable Edward J. Markey, October 4, 1989. Fon-ex operates a computer system that permits "conservation" between any DTMF (tone dialing) telephone and a TDD. The telephone is used to spell words, with contextual adjustment performed by the intervening computer. Such a system permits an unimpaired individual to communicate with a person using a TDD, though possibly more slowly than through an operator. Speech to text conversion also is under study

all providers of intrastate and interstate telecommunications relay services including technical standards, quality of service standards, and the standards that will define functional equivalence between telecommunications relay services and voice telephone transmission services. *See also* S. Rep. at 81. The objective is to ensure that telephone service for hearing-impaired and speech-impaired individuals is functionally equivalent to voice service offered to hearing individuals. Factors that we will include in our proposed rule § 64.605 to achieve the goal of section (d)(1)(B) are the requirements that TDD systems transmit messages between the TDD and voice caller in real time, that blockage rates for TDD services be no greater than standard industry blockage,[17] and that users have access to their chosen interexchange carrier to the same extent access is provided to voice users. Appendix B at 64.605(d)(1)(ii). We do not propose to adopt a single signal format. The Commission discussed standardizing TDD signalling format in the Further NPRM, (para. 5, *supra*), but that approach was not supported in the record. Further NPRM at 6225–26. While ASCII offers a higher data transfer rate, not all TDD users have compatible equipment, relying instead on Baudot code equipment. However, Baudot and ASCII formats are the standard signalling formats in use now by TDD users. We will propose, as we did in the Further NPRM, to require that TDD relay systems be capable of communicating with either format.[18] Interested parties are invited to propose other standards that will define functional equivalence between TDD relay services and voice telephone services.

13. Section 225(d)(1)(C) requires that TDD relay services operate every day for 24 hours a day. A similar proposal was offered in the Further NPRM with regard to an interstate TDD relay system and no party expressed opposition. Under the ADA, the requirement for all intrastate TDD relay systems also would reflect the 24 hour, seven days a week availability of service. A small intrastate carrier might consider the costs of operating such a system to be prohibitive if it has few disabled subscribers in its service area. Although the ADA provides no exceptions to its requirement that every voice carrier provide TDD relay service, carriers are free to enter into joint arrangements. In a state that has certified its TDD relay program under section 225(f), the carrier will be subject to the operating and funding requirements of section 225(d) through the state program. It is likely states will consider the variety of carriers under their jurisdiction and will seek to minimize hardships on small carriers in implementing effective, efficient, intrastate relay systems. A carrier in a state that has not certified a TDD relay program with the Commission is still required to comply with the requirements of section 225(d), which include operating standards, but we encourage carriers to consider joint operations so that service can be provided as efficiently as possible. It would be premature at this point to compel small carriers to enter into federally structured joint arrangements, although ultimately some action along that line may be necessary. For now, we leave it up to the carriers to develop effective, efficient relay systems consistent with our rules and the ADA. We only propose that subsection (d)(1)(C) of § 64.605 of the rules require that all TDD relay services operate in accordance with the standard established by section 225(d)(1)(C) of the ADA. We also propose to require that TDD relay systems be designed to permit operation during power outages. Interested parties are asked to comment on this proposal.

14. Subsection (d)(1)(D) of section 225 requires that users of TDD relay services pay rates no greater than the rates paid for functionally equivalent voice communication with respect to such factors as the duration of the call, the time of day, and the distance from point of origination to point of termination. As was noted in the Further NPRM, TDD relay calls consist of two primary additional elements: (1) Communications links between the relay center and the caller and called party and (2) the relay center. The Commission stated that requiring relay users to pay the relay center costs would act as a deterrent to use of the service because the full cost of a relay call could be as much as $9.20 for an average call. Further NPRM at p. 6222. The Commission proposed that the added cost of providing interstate relay service be recovered from sources other than relay service users, so that users would pay a charge equal to the tariffed rates of non-relay calls between the same locations of the interexchange carrier providing the communications links for the relay service. Parties commenting in response to this proposal did not oppose the notion of direct call equivalence, *i.e.*, functionally equivalent communication services.[19] Proposed § 64.605(d)(1)(iv) of the rules reiterates the mandate of section 225(d)(1)(D) that carriers' charges for TDD relay service not exceed charges for functionally equivalent voice service between the same end points, without regard to how the call is routed.

15. Section 225(d)(1)(E) prohibits relay operators from failing to fulfill the obligations of common carriers by refusing calls or limiting the length of calls that use TDD relay services. By this provision relay operators appear required to handle any type of call provided by carriers, *e.g.*, non-coin sent-paid,[20] third party number, calling card and collect calls.[21] Interested parties are asked to submit comments in response to proposed § 64.605(d)(1)(E).

16. Section 225(d)(1)(F) prohibits relay operators from disclosing the content of any relayed conservation and from keeping records of the content of any such conversation beyond the duration of the call. It is noted by the Senate Report that while records have to be made to complete a call no such records of the content of the call should be

[17] AT&T, for example, designed its hierarchical network so that the overall probability of a caller encountering a trunk busy was no more than one percent. Now, it measures congestion in its dynamic non-hierarchical network by more complex criteria. We do not propose a specific network congestion criterion, but we will propose a general standard that reflects overall network congestion performance. Following standard performance criterion for intrastate TDD systems, we will also propose a specific standard for TDD system answering, *viz.*, that at least 85% of calls to the TDD system must be answered within ten seconds. *See* AT&T Letter to New Jersey Board of Public Utilities, July 27, 1990. To assure that TDD users are not then simply put on hold, we will require that relay service begin within 30 seconds of answering.

[18] H.R. at 68, appendix Bat § 64.605(d)(1)(ii).

[19] Generally, transmitting a given message via a TDD relay system will take longer than by normal voice means. This may effectively result in some TDD relay calls taking longer and therefore costing more than an equivalent voice call communicating the same message. However, no reliable calculus has been offered to measure the average disparity in calling times. Moreover, the term "functional equivalence" in section 225(d)(1)(D) normalizes this disparity by definition. The ADA requires TDD relay call rates not to be greater than functionally equivalent voice calls on the basis of call duration, time of day or distance—not message content. However, neither the Commission nor Congress opposed implementation of rate discounts. S. Rep. at 82 (intrastate); Further NPRM at 6222 (interstate).

[20] Non-coin sent-paid calls are generally considered to be calls paid for via credit cards.

[21] There are various ways TDD relay systems might operate. Access to a TDD relay center could be offered via a toll-free telephone number and the charges for the call handled through or by the center. Alternately, the local carrier or IXC could intercept the originating call for credit card verification or other administrative operations, or the carrier could automate call processing operations. A center—or carrier—that checks credit and declines to complete the originator's call on the basis of a declined credit authorization would not appear to violate the call refusal prohibition of section 225(d)(1)(E) because a similar call not using the relay service would not be completed. Commenters are invited to offer their views on this or other anomalous possibilities.

retained after the call has been terminated.[22] One adjunct to real-time TDD relay operation is "store and forward" service. By this service, if the destination telephone number is busy when the disabled person makes his or her initial call through the TDD relay operator, the operator will deliver the message at a later time when the destination telephone is no longer busy. Under these circumstances, it would seem that a stored and forwarded call is, for purposes of subsection (d)(1)(F), not completed and the prohibition against "keeping records of the content * * * beyond the duration of the call" would not apply until the message is finally delivered.[23] Were delivery not possible, under reasonable criteria established by the relay center, the originating caller would be notified and the message destroyed, typically by deleting it from the relay center's computer memory. Our proposed § 64.605(d)(1)(vi) includes only the language offered by the ADA provision, but parties are invited to offer additional language to clarify the intent of the section as discussed herein.

17. Section 225(d)(1)(G) prohibits relay operators from intentionally altering a relayed conversation. This requirement raises a number of potential problems. First, there may be times when summaries are reasonably necessary and these should not violate the prohibition of subsection (d)(1)(G). For example, the Senate Report recognizes that some recorded messages cannot necessarily be transcribed in full due to speed limitations in the dispatching TDD and the operator's typing ability, in which case the hearing or speech impaired individual should be given the option to have the message summarized.[24] However, should the customer choose not to accept a summarized version of the message, the operator apparently would have to be facile with shorthand or have access to a tape recorder to transmit the message in full. Offering this option, therefore, could impose an unnecessary and unreasonable burden on operators. An alternative would be to permit operators to summarize the content of recorded messages if reasonably necessary by message length or content. We ask interested parties to comment on this matter and to provide anticipated costs and benefits in support of their positions. The purpose of the section is to assure that the relay operator, to the extent reasonably possible, serves as a transparent conduit between two people communicating through disparate modes, and we believe operators must be provided reasonable discretion in meeting that responsibility. A second issue that arises by this process is the responsibility of the relay operator to repeat language or expressions that are either abhorrent to his or her sensibilities or convictions or are otherwise violative of state or federal law, *e.g.*, those that are obscene or involve criminal activity that the operator would wish to report to authorities. Our view is that Congress has mandated that relay operators may not intentionally alter a relayed conversation, no matter what that conversation contains, or reveal its contents. Interested parties are invited to comment on this issue and to submit their views on proposed § 64.605(d)(1)(G), which follows the language of ADA section 225(d)(1)(G).

18. Section 225(d)(2) requires the Commission to ensure that regulations prescribed to implement title IV of the ADA encourage the use of state-of-the-art technology and do not discourage or impair the development of improved technology. As note, *supra*, the Commission considered in the Notice the feasibility of developing packet switched services based on new or existing packet switched networks to provide low costs connectivity to TDD users. Notice at 1988. However, the record in response to this issue was insufficient to reach a conclusion, though one party did describe a service which, it asserted, would permit use of compatible equipment on a circuit switched or packet switched basis through the use of modems and PCs.[25] Other technologies, such as those utilizing text-to-speech and voice recognition concepts, may eventually represent alternatives to relay centers. The Commission will remain receptive to petitions for rulemaking to modify the rules to be adopted in this proceeding that offer technological advancements more efficiently fulfilling the objectives of the ADA. Proposed § 64.605(d)(2) is intended to reflect the intent of section 225(d)(2).

19. Section 225(d)(3)(A) requires the Commission to prescribe regulations governing the jurisdictional separation of costs for the services provided pursuant to title IV of the ADA, consistent with the provisions of section 410 of the Act. The legislative history establishes that "No change to the procedures for allocating joint costs between the interstate and intrastate jurisdictions as set forth elsewhere in the Communications Act of 1934 is intended."[26] The Commission, under section 410(c) of the Act, must refer "any proceeding regarding the jurisdictional separation of common carrier property and expenses between interstate and intrastate operations, which it institutes pursuant to a notice of proposed rulemaking" to a Federal-State Joint Board.[27] Section 410 also authorizes the Commission to "refer any other matter, relating to common carrier communications of joint Federal-State concern" to a Joint Board. A Joint Board may not be necessary if state relay systems operate independently of an interstate relay system, *i.e.*, under circumstances in which there are no jointly used resources. Conversely, carriers conceivably could elect to enter into a single relay system which provides inter- and intra-state relay service throughout the country. Moreover, the ADA, through section 225(a)(1) and relevant legislative history,[28] expands the range of services and carriers responsible for providing relay services beyond those normally subject to separations procedures. These include resale carriers, cellular radio carriers, and all other carriers which provide voice-band telecommunications services.[29] We ask interested parties to consider the extent to which the ADA, Section 410 of the Act and current accounting and jurisdictional separations regulations apply to the panoply of carriers currently offering voice services, to comment on changes needed in the rules in this regard, if any, including parts 32, 36 or 69, and to recommend schedules and procedures for implementing any proposed changes, considering the time limitations contained in the ADA.[30] Our proposed § 64.605(d)(3)(i) sets forth the basic requirement that appears in the ADA with regard to jurisdictional separations.[31] Parties may comment on

[22] S. Rep. at 82.

[23] We seek comment on this analysis.

[24] S. Rep. at 82.

[25] Further NPRM at 6226. The Commission noted that the service suggested did not differ from current capabilities of modem-equipped PCs to communicate directly with TDDs in the ASCII format. *Id.* at n. 31.

[26] S. Rep. at 82.

[27] 47 U.S.C. 410.

[28] See also discussion in para. 20, *infra*.

[29] We ask interested parties to include such carriers in their analyses of the matters discussed in this section.

[30] We will refer the matter to a Joint Board if it appears that changes in our jurisdictional separation rules are necessary or appropriate.

[31] Of course, the rule we finally adopt may be different from our proposal. We are providing notice that we may adopt a final rule that implements our decision with regard to these issues.

this proposal or offer any other language that supports the intent of the ADA. Such new proposals should be supported with data, where appropriate, and detailed rationale.

20. Section 225(d)(3)(B) states, *inter alia*, that the Commission's "regulations shall generally provide that costs caused by interstate telecommunications relay services shall be recovered from all subscribers for every interstate service." The ADA contemplates that the Commission's regulations will ensure that all subscribers to every telephone common carriers' interstate service, including private line, public switched network services, and other common carrier services, will contribute to recover the costs incurred in the carrier's provision of interstate relay services.[32] In its further NPRM, the Commission sought comment on two mechanisms for financing an interstate TDD network, one requiring IXCs to recover costs through charges for other interstate services, and the other implemented through NECA which would recover the costs through a line charge to interexchange carriers. *See* para. 4, *supra*.

21. The ADA has fundamentally broadened the relay services addressed earlier to include intrastate services, and instructs that interstate relay services should be supported by subscribers to all interstate services. The record in response to the Further NPRM no longer adequately addresses the matter of funding TDD relay systems. Nevertheless, it remains possible that mechanisms similar to those proposed earlier or one implemented through NECA or another industry organization, could achieve the intent of Congress. We ask interested parties to comment on precisely what additional detail, if any, may be necessary in Commission rules relating to cost recovery. We ask such commenters to analyze the extent to which these or other proposed mechanisms distribute costs as required by the ADA, and to provide anticipated cost figures for the first five years of TDD relay system operation.[33]

22. Section 225(d)(3)(B) provides that a state which has a program certified under section 225(f) shall permit its commission to allow a common carrier to recover the costs incurred in providing intrastate telecommunications relay services by a method consistent with the requirements of title IV. Our proposed § 64.605(d)(3)(ii) requires, *inter alia*, that the costs for TDD relay service provided by interstate carriers will be recovered from all subscribers for every interstate service, and costs caused by intrastate TDD relay services will be recovered from the intrastate jurisdiction. This language follows the approach outlined by the ADA, but, as discussed in the previous paragraph, we ask interested parties to comment on alternatives to cost recovery that are consistent with the ADA and the Act.

23. Section 225(e) addresses the matter of enforcement of the ADA. Section 225(e)(1) requires that the Commission enforce the requirements of the ADA subject to subsections (f) and (g). Subsection (f) refers to the certification of state programs, and subsection (g) provides for Commission resolution of complaints concerning the ADA. The purpose of section 225(e)(1) is to assure that the Commission has adequate enforcement authority to ensure that TDD relay services are provided nationwide and in every state and that certain minimum federal standards are met by all providers of the services. The Commission's enforcement authority over the provision of intrastate TDD relay services is limited in states with programs certified under procedures required to be established under subsection (f). The ADA requires that state commissions permit common carriers to recover the costs incurred in providing intrastate TDD relay services if the carrier meets the requirements of the state's certified program. In states without such a program, the ADA requires state commissions to permit the recovery of costs as long as the carrier complies with the Commission's regulations adopted pursuant to section 225(d). Section 225(e)(2) requires the Commission to resolve a complaint alleging a violation of § 64.605 within 180 days after the complaint is filed. Subsections (e) (1) and (2) are reflected in proposed § 64.605(e). *See* appendix B.

24. Sections 225 (f)(1) and (f)(2) describe the state certification procedure by which states may apply to assert jurisdiction over the provision of intrastate TDD relay services. The Commission may grant certification on a showing that these services comply with the federal guidelines and standards adopted pursuant to section 225(d) of the ADA. A state plan may make service available through the state governments, through designees, through a competitively selected vendor, or through regulation of intrastate carriers. To obtain certification, a state must submit documentation to the Commission that includes procedures and remedies for enforcement. This is to assure that states with certified plans will exercise their responsibility to enforce the provisions of Title IV of the ADA in their jurisdictions.[34] Section 225(f)(3) states that, except as provided by rules promulgated pursuant to Section 225(d) of the ADA, the Commission may not refuse to certify a state program based solely on the method that state chooses to fund implementation of intrastate TDD relay services.[35] Section 225(d), however, would require that a state program not include cost recovery mechanisms that would have the effect of requiring users of TDD relay services to pay higher rates than those paid for functionally equivalent voice communications services. *See* ADA sections 225 (d)(1)(D) and (d)(3)(B). We propose certification procedures in appendix B, at proposed § 64.605(f). The House Report notes that TDD relay services are of benefit to all in society and it therefore "would expect that any funding mechanism not be labeled so as to prejudice or offend the public, especially the hearing-impaired and speech-impaired community."[36]

25. By section 225(f)(4), the Commission may suspend or revoke a state's TDD relay service certification if, after notice and opportunity for hearing, it determines that certification is no longer warranted. In a state whose program has been suspended, the Commission is expected to provide a reasonable transition period to ensure continuity of TDD relay service for users and a reasonable opportunity for carriers to meet the requirements of the Commission's regulations after the suspension or revocation. Proposed § 64.605(f) contains the provisions of ADA section 225(f). Interested parties are invited to offer comments on these

[32] H.R. Rep. at 68–69. This language does not preclude joint inter-, intra-state systems. The House Report specifically states the Commission "is granted broad discretion to structure a cost recovery mechanism to determine the most appropriate method of recovery of interstate and intrastate costs."

[33] Interested parties are also asked to provide suggestions on how TDD relay system charges should be distributed among services and how much users should be charged. All such charges, we note, must be accurate and otherwise compliant with the Act. *See, e.g.*, sections 201–05 of the Act.

[34] H.R. Rep. at 69.

[35] A number of state systems, such as that in Kansas, offer residents an outgoing interstate calling capability. It would be valuable to have analyses of whether cost recovery mechanisms used for these systems are consistent with the ADA or, if not, what modifications would be necessary. *See also* n. 32, *supra*.

[36] *Id.* at 69, 70. It further states:

For example, California's relay service is funded by a surcharge that appears on telephone bills as 'Deaf Trust Fund.' This unfortunate choice of words is offensive and should be precluded.

proposals and to include any additional language they deem appropriate.

26. Section 225(g) states that when a complaint is filed with the Commission alleging a violation of title IV of the ADA with respect to intrastate TDD service within a state that has a certified program under section 225(f) in effect, the Commission must refer the complaint to the state. If the state has not been certified, the Commission will handle the complaint pursuant to sections (e)(1) and (e)(2). Once a complaint has been referred to the state, the Commission will exercise jurisdiction only if the state has not taken final action within 180 days, or shorter period if the state so requires, or if the Commission determines that a state program no longer qualifies for certification under section 225(f). Our proposed § 64.605(g) reflects these provisions. We propose to follow procedures patterned after those in Rule § 68.400.

IV. Conclusion

27. The regulations we propose in this proceeding are intended to implement the provisions of title IV of the ADA. Interested parties filing comments are invited to offer alternative language, additional provisions or any other suggestions that will foster the intent of Congress to bring functional telecommunications equality to the hearing and speech-impaired of our nation. Many states already have relay systems in operation with various levels of carrier participation. We especially solicit comment from those who have experience with these systems. We hope to avoid problems experienced by others and to benefit from their success. In the final report and order that will follow, the Commission will adopt regulations that it believes best, and most efficiently, achieves the objectives of the ADA.

V. Initial Regulatory Flexibility Analysis

28. In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. section 601, the Commission issues the following initial regulatory flexibility analysis:

A. Action Contemplated and Reason for Action

29. By this Notice of Proposed Rulemaking, the Commission seeks to elicit comment on a series of proposals to implement title IV of Public Law 101–336, the Americans with Disabilities Act of 1990, which requires all common carriers to provide telecommunications relay services in order to provide hearing and speech impaired persons with greater access to telecommunications services.

B. Objective

30. The objective of this proceeding is to fulfill the mandate of Congress to implement the ADA, thereby assuring that all Americans have reasonable access to telecommunications services and equipment.

C. Legal Basis

31. The legal authority for this action is contained in sections 1, 4(i), 4(j), 225, 403 and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 225, 403 and 410.

D. Description, Potential Impact and Number of Small Entities Affected

32. The proposed rules are applicable only to common carriers, and it is not expected that they will have a significant impact on small entities because small entities may elect to pool requirements and provide service jointly. The overall economic impact of the proposed rules could be significant to carriers because they will be required to provide TDD services. Telephone rates for all subscribers will increase, but probably only by a marginal amount.

E. Recording, Recordkeeping, and Other Compliance Requirements

33. There are about 1,500 telephone companies in the United States. By the legislation, each will be responsible for providing, either individually, through a competitively selected vendor, or in concert with other carriers, TDD relay services. Recordkeeping requirements are limited by statute to those needed to accomplish billing.

F. Federal Rules That Overlap, Duplicate or Conflict With These Proposed Rules

34. None.

G. Any Significant Alternatives To Minimize the Impact on Small Entities

35. None. Although Congress has provided telephone companies with flexibility in how they provide relay services, there is no provision for waiver of the requirement.

H. Comments Are Solicited

36. We request written comments on this Initial Regulatory Flexibility Analysis. These comments must be filed in accordance with the same filing deadlines set for comments on the other issues in this Notice of Proposed Rulemaking, but they must have a separate and distinct heading designating them as responses to this regulatory flexibility analysis. The Secretary shall send a copy of the Notice of Proposed Rulemaking to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

VI. Paperwork Reduction Act

37. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and has been found to impose no new or modified information collection requirement on the public. Implementation of any new or modified requirement will be subject to approval by the Office of Management and Budget as prescribed by the Act.

VII. Ex Parte Presentations

38. For purposes of this nonrestricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* presentations are permitted except during the Sunshine Agenda period. *See generally* § 1.1206(a). The Sunshine Agenda period is the period of time which commences with the release of a public notice that a matter has been placed on the Sunshine Agenda and terminates when the Commission (1) Releases the text of a decision or order in the matter; (2) issues a public notice stating that the matter has been deleted from the Sunshine Agenda; or (3) issues a public notice stating that the matter has been returned to the staff for further consideration, whichever occurs first. Section 1.1202(f). During the Sunshine Agenda period, no presentations, *ex parte* or otherwise, are permitted unless specifically requested by Commission or staff for the certification or adduction of evidence or the resolution of issues in the proceeding. Section 1.1203. In general, an *ex parte* presentation is any presentation directed to the merits or outcome of the proceeding made to decision-making personnel which (1), If written, is not served on the parties to the proceeding, or (2), if oral, is made without advance notice to the parties to the proceeding and without opportunity for them to be present. Section 1.1202(b). Any person who submits a written *ex parte* presentation that presents data or arguments not already reflected in that person's previously-filed written comments, memoranda, or filings in the proceeding must provide on the day of the oral presentation a written memorandum in duplicate to the Secretary (with a copy to the commission or staff member involved) which summarizes the data and arguments.) Each *ex parte* presentation

described above must be clearly labeled "ex parte," state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. § 1.1206.

VIII. Administrative Matters and Ordering Clauses

39. In accordance with the applicable procedure described in § 1.415 of the Commission's rules, 47 CFR 1.415, interested parties may file comments on or before January 15, 1991, and reply comments on or before February 15, 1991. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file and provided that the Commission's reliance on such information is noted in the Report and Order.

40. Interested parties shall file an original and 5 copies of all comments, replies, or other documents. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the public who wish to express their interest by participating informally in the Rule Making proceeding may do so by submitting one copy of their comments, provided that the docket number is specified in the heading. All filings in this proceeding will be available for public inspection by interested persons during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC. For additional information on how to file comments, parties should contact the FCC Consumer Assistance and Information Division at (202) 632–7000.

41. Accordingly, *It is Ordered*, That pursuant to sections 1, 4(i), 4(j), 225, 403 and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 225, 403 and 410, and 5 U.S.C. 553, Notice of Proposed Rulemaking is hereby provided to amend 47 CFR parts 0, 32, 36 and 64 as indicated herein.

42. *It is further ordered*, That the Secretary shall cause a copy of this Notice of Proposed Rule Making, including the initial regulatory flexibility analysis, to be sent to (a) The Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 603 (a) (1981); and (b) to each State utility commission. The Secretary shall also cause this Notice of Proposed Rulemaking to appear in the **Federal Register**.

List of Subjects in 47 CFR Parts 0 and 64

Organization and functions, Communications common carriers, Telephone subscribers.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Appendix A—Telecommunications Relay Services for Hearing-Impaired and Speech-Impaired Individuals

The following represents the contents of title IV of the Americans with Disabilities Act of 1990.

Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals

(a) *Definitions.* As used in this section—

(1) *Common carrier or carrier.* The term "common carrier" or "carrier" includes any common carrier engaged in interstate communication by wire or radio as defined in section 3(h) and any common carrier engaged in intrastate communication by wire or radio, notwithstanding sections 2(b) and 221(b).

(2) *TDD.* The term "TDD" means a Telecommunications Device for the Deaf, which is a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system.

(3) *Telecommunications relay services.* The term "telecommunications relay services" means telephone transmission services that provide the ability for an individual who has a hearing impairment or speech impairment to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services by wire or radio. Such term includes services that enable two-way communication between an individual who uses a TDD or other nonvoice terminal device and an individual who does not use such a device.

(b) *Availability of telecommunications relay services*— (1) *In general.* In order to carry out the purposes established under section 1, to make available to all individuals in the United States a rapid, efficient nationwide communication service, and to increase the utility of the telephone system of the Nation, the Commission shall ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States.

(2) *Use of general authority and remedies.* For the purposes of administering and enforcing the provisions of this section and the regulations prescribed thereunder, the commission shall have the same authority, power, and functions with respect to common carriers engaged in intrastate communication as the Commission has in administering and enforcing the provisions of this title with respect to any common carrier engaged in interstate communication. Any violation of this section by any common carrier engaged in intrastate communication shall be subject to the same remedies, penalties, and procedures as are applicable to a violation of this Act by a common carrier engaged in interstate communication.

(c) *Provision of services.* Each common carrier providing telephone voice transmission services shall, not later than 3 years after the date of enactment of this section, provide in compliance with the regulations prescribed under this section, throughout the area in which it offers service, telecommunications relay services, individually, through designees, through a competitively selected vendor, or in concert with other carriers. A common carrier shall be considered to be in compliance with such regulations.

(1) With respect to intrastate telecommunications relay services in any State that does not have a certified program under subsection (f) and with respect to intrastate telecommunications relay services, if such common carrier (or other entity through which the carrier is providing such relay services) is in compliance with the Commission's regulations under subsection (d); or

(2) With respect to intrastate telecommunications relay services in any State that has a certified program under subsection (f) for such State, if such common carrier (or other entity through which the carrier is providing such relay services) is in compliance with the program certified under subsection (f) for such State.

(d) *Regulations.*—(1) *In general.* The Commission shall, not later than 1 year after the date of enactment of this section, prescribe regulations to implement this section, including regulations that—

(A) Establish functional requirements, guidelines, and operations procedures for telecommunications relay services;

(B) Establish minimum standards that shall be met in carrying out subsection (c);

(C) Require that telecommunications relay services operate every day for 24 hours per day;

(D) Require that users of telecommunications relay services pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from point of origination to point of termination;

(E) Prohibit relay operators from failing to fulfill the obligations of common carriers by refusing calls or limiting the length of calls that use telecommunications relay services;

(F) Prohibit relay operators from disclosing the content of any relayed conversation and from keeping records of the content of any such conversation beyond the duration of the call; and

(G) Prohibit relay operators from intentionally altering a relayed conversation.

(2) *Technology.* The Commission shall ensure that regulations prescribed to implement this section encourage, consistent with section 7(a) of this Act, the use of existing technology and do not discourage or

impair the development of improved technology.

(3) *jurisdictional separation of costs)*—(A) *In general.* Consistent with the provisions of section 410 of this Act, the Commission shall prescribe regulations governing the jurisdictional separation of costs for the services provided pursuant to this section.

(B) *Recovering costs.* Such regulations shall generally provide that costs caused by interstate telecommunications relay services shall be recovered from all subscribers for every interstate service and costs caused by intrastate telecommunications relay services shall be recovered from the intrastate jurisdiction. In a State that has a certified program under subsection (f), a State commission shall permit a common carrier to recover the costs incurred in providing intrastate telecommunications relay services by a method consistent with the requirements of this section.

(e) *Enforcement*—(1) *In general.* Subject to subsections (f) and (g), the Commission shall enforce this section.

(2) *Complaint.* The Commission shall resolve, by final order, a complaint alleging a violation of this section with 180 days after the date such complaint is filed.

(f) *Certification*—(1) *State documentation.* Any State desiring to establish a State program under this section shall submit documentation to the Commission that describes the program of such State for implementing intrastate telecommunications relay services and the procedures and remedies available for enforcing any requirements imposed by the State program.

(2) *Requirements for certification.* After review of such documentation, the Commission shall certify the State program if the Commission determines that—

(A) The program makes available to hearing-impaired and speech-impaired individuals, either directly, through designees, through a competitively selected vendor, or through regulation of intrastate telecommunications relay services in such State in a manner that meets or exceeds the requirements of regulations prescribed by the Commission under subsection (d); and

(B) The program makes available adequate procedures and remedies for enforcing the requirements of the State program.

(3) *Method of funding.* Except as provided in subsection (d), the Commission shall not refuse to certify a State program based solely on the method such State will implement for funding intrastate telecommunication relay services.

(4) *Suspension or revocation of certification.* The Commission may suspend or revoke such certification if, after notice and opportunity for hearing, the Commission determines that such certification is no longer warranted. In a State whose program has been suspended or revoked, the Commission shall take steps as may be necessary, consistent with this section, to ensure continuity of telecommunications relay services.

(g) Complaint—(1) *Referral of complaint.* If a complaint to the Commission alleges a violation of this section with respect to intrastate telecommunications relay services within a State and certification of the program of such State under subsection (f) is in effect, the Commission shall refer such complaint to such State.

(2) *Jurisdiction of Commission.* After referring a complaint to a State under paragraph (1), the Commission shall exercise jurisdiction over such complaint only if—

(A) Final action under such State program has not been taken on such complaint by such State—

(i) Within 180 days after the complaint is filed with such State; or

(ii) Within a shorter period as prescribed by the regulations of such State; or

(B) The Commission determines that such State program is no longer qualified for certification under subsection (f).

(b) For conforming amendments, see Public Law 101–336, July 26, 1990.

Closed-Captioning of Public Service Announcements

Any television public service announcement that is produced or funded in whole or in part by any agency or instrumentality of Federal Government shall include closed captioning of the verbal content of such announcement. A television broadcast station licensee—

(1) Shall not be required to supply closed captioning for any such announcement that fails to include it; and

(2) Shall not be liable for broadcasting any such announcement without transmitting a closed caption unless the licensee intentionally fails to transmit the closed caption that was included with the announcement.

Appendix B

A. Part 0 of the Commission's Rules and Regulations (chapter 1 of title 47 of the Code of Federal Regulations, part 0) is proposed to be amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 is proposed to be revised to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. Section 0.91 is proposed to be amended by adding new paragraph (m) to read as follows:

§ 0.91 Functions of the Bureau.

* * * * *

(m) Acts upon matters involving telecommunications relay service complaints and certification, except for action on complaints raising novel or unusual issues.

B. It is proposed to amend part 64 of the Commission's Rules and Regulations (chapter 1 of title 47 of the Code of Federal Regulations, part 64), as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 is proposed to be revised to read as follows:

Authority: Section 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 225, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201, 218, 225 unless otherwise noted.

2. New § 64.605 is added to read as follows:

§ 64.605 TDD relay service.

(a) *Definitions.* As used in this section:

(1) *Common carrier or carrier.* The term "common carrier" or "carrier" includes any common carrier engaged in interstate communication by wire or radio as defined in section 3(h) of the Communications Act of 1934, as amended, and any common carrier engaged in intrastate communication by wire or radio, notwithstanding sections 2(b) and 221(b) of the Communications Act of 1934, as amended.

(2) *TDD.* The term "TDD" means a Telecommunications Device for the Deaf, which is a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system.

(3) *Telecommunications relay services.* The term "telecommunications relay services," "TDD relay service," or "TDD service" means telephone transmission services that provide the ability for an individual who has a hearing impairment or speech impairment to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services by wire or radio. Such term includes services that enable two-way communication between an individual who uses a TDD or other nonvoice terminal device and an individual who does not use such a device.

(b) *Jurisdiction.* Any violation of this section by any common carrier engaged in intrastate communication shall be subject to the same remedies, penalties, and procedures as are applicable to a violation of the Communications Act of 1934, as amended, by a common carrier engaged in interstate communication.

(c) *Provision of services.* Each common carrier providing telephone voice transmission services shall, not later than July 25, 1993, provide in compliance with the regulations

prescribed herein, throughout the area in which it offers service, telecommunications relay services, individually, through designees, through a competitively selected vendor, or in concert with other carriers. A common carrier shall be considered to be in compliance with these regulations.

(1) With respect to intrastate telecommunications relay services in any state that does not have a certified program under paragraph (f) of this section and with respect to interstate telecommunications relay services, if such common carrier (or other entity through which the carrier is providing such relay services) is in compliance with paragraph (d) of this section; or

(2) With respect to intrastate telecommunications relay services in any state that has a certified program under paragraph (f) of this section for such state, if such common carrier (or other entity through which the carrier is providing such relay services) is in compliance with the program certified under paragraph (f) of this section for such state.

(d) *Telecommunications relay service standards.*—(1) *General operating requirements.* (i) Operators used in providing TDD relay service shall be trained to meet the specialized communications needs of individuals with hearing and speech impediments, and shall have sufficient skills in typing (at least 35 words per minute), grammar and spelling. They shall be trained in deaf culture and TDD etiquette, and shall be able to interpret typewritten American Sign Language and transliterate it to spoken English, and vice versa. Relay systems shall include adequate staffing to provide callers with reasonably efficient access under projected calling volumes, so that the probability of a busy response due to operator availability shall be comparable to what a voice caller would experience in attempting to reach a party through the voice telephone network. At a minimum, TDD relay systems shall be designed so that at least 85% of calls will be answered within ten seconds of commencement of ringing and relay service begun within 30 seconds of answer. Users shall have access to their chosen interexchange carrier through the TDD relay system, and to all other operator services, to the same extent that such access is provided voice users. Operators, if requested by the caller, shall attempt to complete calls 3 times consecutively, without delay, when receiving busy signals. TDD relay systems shall have procedures for handling emergency calls and operators shall be trained to handle such calls.

(ii) TDD relay systems shall transmit messages between the TDD and voice caller in real time. Adequate network facilities shall be used in conjunction with the TDD relay systems so that under projected calling volume the probability of a busy response due to loop or trunk congestion shall be comparable to what a voice caller would experience in attempting to reach a party through the telephone network. TDD relay systems shall be capable of communicating with either the ASCII or Baudot format, at any speed generally in use.

(iii) TDD relay services shall operate every day, 24 hours a day. Systems shall have adequate redundancy features, including uninterruptible power for emergency use, to assure continuity of operation. Carriers, through publication in their directories and otherwise, shall assure callers in their service areas are aware of the availability of their relay service and familiar with its use.

(iv) TDD relay service users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination.

(v) TDD relay operators are prohibited from failing to fulfill the obligations of common carriers by refusing calls or limiting the length of calls that use TDD relay services. Relay systems shall be capable of handling any type of call normally provided by carriers, such as non-coin sent-paid, third party number, calling card and collect calls, except coin-sent calls.

(vi) TDD relay operators (and any other person having access to the content of a TDD message through his or her position) are prohibited from disclosing the content of any relayed conversation and from keeping records of the content of any such conversation beyond the duration of call.

(vii) TDD relay operators are prohibited from intentionally altering a relayed conversation.

(2) *Technology.* No regulation set forth in this section is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications services to the disabled.

(3) *Jurisdictional separation of costs*—(i) *General.* Where appropriate, costs of providing TDD relay services shall be separated in accordance with the jurisdictional separation procedures and standards set forth in the Commission's regulations adopted pursuant to Section 410 of the Communications Act of 1934, as amended.

(ii) *Cost recovery.* Costs caused by interstate TDD relay services shall be recovered from all subscribers for every interstate service and costs caused by intrastate TDD relay services shall be recovered from the intrastate jurisdiction. In a state that has a certified program under paragraph (f) of this section, a state commission shall permit a common carrier to recover the costs incurred in providing intrastate TDD relay services by a method consistent with the requirements of this section.

(e) *Enforcement.* Subject to paragraphs (f) and (g) of this section, the Commission shall resolve any complaint alleging a violation of this section within 180 days after the complaint is filed.

(f) *Certification.* (1) *State documentation.* Any state desiring to establish a state program under this section shall submit documentation to the Commission captioned "TDD Intrastate Relay Service Certification." The documentation shall describe the program of such state for implementing intrastate telecommunications relay services and the procedures and remedies available for enforcing any requirements imposed by the state program.

(2) *Requirements for certification.* After review of such documentation, the Commission shall certify, by letter, or order, the state program if the Commission determines that

(i) The program makes available to hearing-impaired and speech-impaired individuals, either directly, through designees, through a competitively selected vendor, or through regulation of intrastate common carriers, intrastate telecommunications relay services in such state in a manner that meets or exceeds the requirements prescribed in paragraph (d) of this section; and

(ii) The program makes available adequate procedures and remedies for enforcing the requirements of the state program.

(3) *Method of funding.* Except as provided in paragraph (d) of this section, the Commission shall not refuse to certify a state program based solely on the method such state will implement for funding intrastate telecommunications relay services, but funding mechanisms shall not be labeled in a manner that offends the public.

(4) *Suspension or revocation of certification.* The Commission may suspend or revoke such certification if, after notice and opportunity for hearing, the Commission determines that such

certification is no longer warranted. In a state whose program has been suspended or revoked, the Commission shall take steps as may be necessary, consistent with this section, to ensure continuity of telecommunications relay services.

(g) *Complaint*—(1) *Referral of complaint.* If a complaint to the Commission alleges a violation of this section with respect to intrastate telecommunications relay services within a state and certification of the program of such state under paragraph (f) of this section is in effect, the Commission shall refer such complaint to such state.

(2) Jurisdiction of Commission. After referring a complaint to a state under paragraph (g)(1) of this section, the Commission shall exercise jurisdiction over such complaint only if

(i) Final action under such state program has not been taken on such compliant by such state

(A) Within 180 days after the complaint is filed with such state; or

(B) Within a shorter period as prescribed by the regulations of such state, or

(ii) The Commission determines that such state program is no longer qualified for certification under paragraph (f) of this section.

(3) *Complaint procedures*—(i) *Content.* A complaint shall be in writing and shall contain:

(A) The name and address of the complainant,

(B) The name (and address, if known) of the defendant against whom the complaint is made,

(C) A complete statement of the facts, including supporting data, where available, showing that such defendant did or omitted to do anything in contravention of Section 64.605 of the Commission's Rules, and

(D) The relief sought.

(ii) *Amended complaints.* An amended complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action may be filed with the Commission.

(iii) *Number of copies.* An original and two copies of all complaints and amended complaints shall be filed. An original and one copy of all other pleadings shall be filed.

(iv) *Service.* (A) Except where a complaint is referred to a state pursuant to paragraph (g)(1) of this section, the Commission will serve on the named party a copy of any complaint or amended complaint filed with it, together with a notice of the filing of the complaint. Such notice shall call upon the defendant to satisfy or answer the complaint in writing within the time specified in said notice of complaint.

(B) All subsequent pleadings and briefs shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of § 1.47 of this chapter. Proof of such service shall also be made in accordance with the requirements of said section.

(v) *Answers to complaints and amended complaints.* Any party upon whom a copy of a complaint or amended complaint is served under this part shall serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense and shall respond specifically to all material allegations of the complaint. In cases involving allegations of harm, the answer shall indicate what action has been taken or is proposed to be taken to stop the occurrence of such harm. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.

(vi) *Replies to answers or amended answers.* Within 10 days after service of an answer or an amended answer, a complainant may file and serve a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matters. Failure to reply will not be deemed an admission of any allegation contained in such answer or amended answer.

(vii) *Defective pleadings.* Any pleading filed in a complaint proceeding that is not in substantial conformity with the requirements of the applicable rules in this part may be dismissed.

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47 CFR Part 22

[CC Docket No. 90-358; DA 90-1709]

Establishment of Standards for Conducting Comparative Renewal Proceedings in the Domestic Public Cellular Radio Telecommunications Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rules; extension of time.

SUMMARY: The Common Carrier Bureau extended the time period for filing reply comments in this proceeding by two weeks in response to a request by Telocator. The Bureau stated that good cause had been shown for the extension of time and that grant of the extension would not significantly delay the proceeding. The time extension should facilitate the efforts of interested parties to address the proposals contained in the Notice of Proposed Rule Making and thus result in a more helpful record.

DATES: Reply comments are due by December 12, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mobile Services Division, Common Carrier Bureau, (202) 632-6450.

SUPPLEMENTARY INFORMATION:

Order

Adopted: November 21, 1990; Released: November 23, 1990.

By the Chief, Common Carrier Bureau:

1. On November 16, 1990, Telocator requested an extension of time to December 12, 1990, to file reply comments on the Notice of Proposed Rule Making (Notice) (55 FR 39020; September 24, 1990) in the above-referenced proceeding. Reply comments currently are due on or before November 28, 1990.

2. Telocator asserts that about twenty-five comments were filed in response to the Notice. Telocator also states that even though there may be substantial agreement among many of the commenting parties on the proposals contained in the Notice, there are still areas about which Telocator would like to consult with its members in order to develop a consensus, such as the nature of appropriate comparative criteria to be used during any renewal hearings. Telocator claims that an extension of two weeks will facilitate the efforts of interested parties to address these matters, which should enhance the Commission's consideration of these issues by presenting a more complete record.

3. We find that good cause has been shown for a two-week extension of time, the grant of which will not significantly delay this proceeding. Accordingly, the extension of time request is granted and reply comments on the above-referenced Notice from all parties are due on or before December 12, 1990.