

requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for such small entities; (3) the use of performance, rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. (See 5 U.S.C. 603(c)(1)–(c)(4)).

As described above, the Commission seeks comment on the distinction between government “mandated” and other charges, and tentatively concludes that where carriers choose to list charges in separate line items on their customers’ bills, government mandated charges must be placed in a section of the bill separate from all other charges. The Commission also seeks comment on whether it is unreasonable to combine federal regulatory charges into a single line item, though any commenter who still believes that carriers should be able to combine two or more of these charges into a single charge is welcome to refresh the record on how carriers should identify such line items. Furthermore, the Commission tentatively concludes that carriers must disclose the full rate, including any non-mandated line items and a reasonable estimate of government mandated surcharges, to the consumer at the point of sale, and that such disclosure must occur before the customer signs any contract for the carrier’s services. For each of these issues and tentative conclusions, the Commission seeks comment on the effects its proposals would have on small entities, and whether any rules it adopts should apply differently to small entities.

For instance, the *Second Further Notice* seeks comment on whether the Commission should require standardized labeling of categories of charges on consumers’ bills, and what the monetary costs of such a requirement would be. The Commission particularly seeks comment on the nature of the economic impact of such a requirement on small entities, and whether the proposed requirement should be applied to them in any manner different from its application to entities that do not qualify as small entities. In addition, the Commission tentatively concludes that carriers must disclose the full rate, including any non-mandated line items and a reasonable estimate of government mandated surcharges, to the consumer at the point of sale, and that such disclosure must occur before the customer signs any contract for the carrier’s services. The Commission specifically seeks comment on the effect of these tentative

conclusions on small entities, and on whether it would be appropriate to apply whatever provisions the Commission adopts to small entities in the same manner that it applies them to entities that do not qualify as small.

The Commission does not have any evidence before it at this time regarding whether proposals outlined in this *Second Further Notice* would, if adopted, have a significant economic impact on a substantial number of small entities. However, the Commission recognizes that mandating changes to the format of consumers’ bills, and specific point of sale disclosures, likely would result in additional burdens on small CMRS providers and other interstate carriers. The Commission therefore seeks comment on the potential impact of these proposals on small entities, and whether there are any less burdensome alternatives that it should consider.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

In seeking comment on its tentative conclusion that government mandated charges should be placed in a section of the bill separate from all other charges, where carriers choose to list charges in separate line items on their customers’ bills, the Commission notes that: (1) § 64.2400(a) of the Commission’s rules provides that the truth-in-billing rules are intended “to aid customers in understanding their telecommunications bills, and to provide them with the tools they need to make informed choices in the market for telecommunications service”; and (2) § 64.2401(b) requires that descriptions of billed charges be brief, clear, non-misleading, and in plain language. The Commission seeks comment on its stated belief that separating government mandated charges from all other charges satisfies the policy goals embedded in these rules. Though any rules that the Commission may adopt to implement this tentative conclusion may overlap somewhat with 47 CFR 64.2400(a) and 64.2401(b), the Commission believes that these new rules would complement the existing rules, rather than duplicating them or conflicting with them.

In tentatively concluding that bases other than the rate regulation proscription of § 332(c)(3)(A) exist for the Commission to preempt state regulation of carriers’ billing practices, the Commission tentatively concludes further that it should reverse its prior pronouncement that states may enact and enforce more specific truth-in-

billing rules than the Commission’s. In large part, this pronouncement has been embodied by the substance of 47 CFR 64.2400(c). The Commission seeks comment on, if it does adopt this further tentative conclusion, whether it should limit the scope of what constitutes “consistent truth-in-billing requirements by the states” under 47 CFR 64.2400(c), eliminate § 64.2400(c) from its rules altogether, or adopt an enforcement regime where states are permitted to enforce rules developed by the Commission. Thus, the Commission’s tentative conclusions may conflict with 47 CFR 64.2400(c), or may overlap with that rule in a manner in which the existing rule may be harmonized with the Commission’s tentative conclusions.

Ordering Clauses

Pursuant to the authority contained in sections 1–4, 201, 202, 206–208, 258, 303(r), and 332 of the Communications Act of 1934, as amended; 47 U.S.C. 151–154, 201, 202, 206–208, 258, 303(r), and 332; section 601(c) of the Telecommunications Act of 1996; and §§ 1.421, 64.2400 and 64.2401 of the Commission’s Rules, 47 CFR 1.421, 64.2400, and 64.2401, the *second further notice of proposed rulemaking is adopted*.

The Commission’s Consumer & Governmental Affairs Bureau, Reference Information Center, shall send a copy of the *Second Further Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. 05–10118 Filed 5–24–05; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05–1305; MB Docket No. 04–80, RM–10875]

Radio Broadcasting Services; St. Florian, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: The Audio Division denies a Petition for Rule Making filed by American Family Association proposing the reservation of vacant Channel 274A at St. Florian, Alabama for noncommercial educational use because

reserved Channel 213 is available for noncommercial broadcasting at St. Florian. See 69 FR 18860, April 9, 2004.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 04-280, adopted May 4, 2005, and released May 9, 2005. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A) because the proposed rule was denied.

Federal Communications Commission.

John A. Karousos,
Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05-10108 Filed 5-24-05; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05-1299; MB Docket No. 05-184]

Radio Broadcasting Services; Aspen and Leadville, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on the removal of two mutually exclusive vacant allotments, Channel 228A at Aspen, Colorado and Channel 228A at Leadville, Colorado. The allotments are not in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. These vacant allotments are short-spaced by 45.3 kilometers, whereas the minimum distance spacing requirement for these allotments is 115 kilometers. Channel

228A at Aspen, Colorado was allotted in 2001, as the community's third local FM commercial service without a site restriction at coordinates 39-11-24 NL and 106-49-06 WL. Channel 228A at Leadville, Colorado is a vacant allotment resulting from the cancellation of the Station KRMH-FM license in 1997. See BLH-19860207KD. The reference coordinates for vacant Channel 228A at Leadville are 39-14-51 NL and 106-17-57 WL. Interest parties should file comments expressing an interest in the vacant allotments to prevent removal.

DATES: Comments must be filed on or before June 30, 2005 and reply comments on or before July 15, 2005.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 05-184, adopted May 4, 2005 and released May 9, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 228A at Aspen and Leadville, Channel 228A.

Federal Communications Commission.

John A. Karousos,
Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05-10115 Filed 5-24-05; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05-1311; MB Docket No. 05-185, RM-11236]

Radio Broadcasting Services; Tenino, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Dr. Sandra L. Woodruff proposing the allotment of Channel 229C3 at Tenino, Washington, as the community's first local service. Channel 229C3 can be allotted to Tenino, consistent with the minimum distance separation requirements of the Commission's rules at a restricted site located 1.9 kilometers (1.1 miles) west of the community. The reference coordinates for Channel 229C3 at Tenino are 46-51-22 North Latitude and 122-52-30 West Longitude.

DATES: Comments must be filed on or before June 27, 2005, and reply comments on or before July 12, 2005.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the Petitioner, as follows: Dr. Sandra L.