MAR 25 2002

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	

THIRD ORDER ON RECONSIDERATION IN CC DOCKET NO. 99-200, THIRD FURTHER NOTICE OF PROPOSED RULEMAKING IN CC DOCKET 99-200, AND SECOND FURTHER NOTICE OF PROPOSED RULEMAKING IN CC DOCKET NO. 95-116

Adopted: March 13, 2002 **Released: March 14, 2002**

By the Commission:

Comment Date: 30 days after publication in the Federal Register.
Reply Comment Date: 45 days after publication in the Federal Register.

I. INTRODUCTION AND BACKGROUND

1. On our own motion, we reconsider our findings in the *Numbering Resource Optimization Third Report and Order* regarding the local number portability (LNP) and thousands-block number pooling requirements for carriers in the 100 largest Metropolitan Statistical Areas (MSAs).[1] Specifically, we reverse our clarification that these requirements extend to all carriers within the largest 100 MSAs, regardless of whether they have received a specific request from another carrier to provide LNP. For the reasons explained below, we seek comment in the *Further Notice* on whether we should again extend the LNP requirements to all carriers in the largest 100 MSAs, regardless of whether they receive a request to provide LNP.[2] We also seek comment on whether all carriers in the top 100 MSAs should be required to participate in thousands-block number pooling, regardless of whether they are required to be LNP capable. Finally, we seek comment on whether all MSAs included in Combined Metropolitan Statistical Areas (CMSAs) on the Census Bureau's list of the largest 100 MSAs should be included on the Commission's list of the top 100 MSAs.

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[1] Numbering Resource Optimization, *Third Report and Order and Second Order on Reconsideration in CC Docket No. 99-200*, FCC 01-362, para. 125 (rel. Dec. 28, 2001) (*Numbering Resource Optimization Third Report and Order*).

[2] On July 26, 2001, Verizon Wireless filed a petition for forbearance from the CMRS number portability requirements. *See* Verizon Wireless' Petition Pursuant to 47 U.S.C. § 160 for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation, WT Docket No. 01-184 (filed July 26, 2001) (Verizon Wireless Petition). The LNP requirement for CMRS providers will be addressed in a separate proceeding

5. In attempting to clarify the issue, however, we reversed the decision on LNP deployment reached by the Commission in the *Number Portability First Order on Reconsideration* without providing an adequate opportunity for comment on this specific issue. We now reverse this clarification and provide interested parties an opportunity to comment on whether carriers should be required to deploy LNP and participate in thousands-block number pooling in the 100 largest MSAs, regardless of whether they have received a specific request to provide LNP from another carrier.

III. FURTHER NOTICE OF PROPOSED RULEMAKING

6. *Number Portability*. Reasoning that the deployment schedule should be modified to allow carriers to focus their resources on areas where competition is the greatest, the Commission in the *Number Portability First Order on Reconsideration* determined that that carriers need only provide LNP in switches for which another carrier has made a specific request for the provision of LNP.[11] Initial deployment in accordance with the schedule modified in that order has been completed. Thus, we now reexamine whether the benefits of widespread LNP deployment warrant a change in policy.

7. Upon initially requiring all local exchange carriers and covered CMRS carriers to provide number portability in the largest 100 MSAs, the Commission found that number portability contributes to the development of competition among alternative providers by, among other things, allowing customers to respond to price and service changes without changing their telephone numbers.[12] LNP also can enable carriers to alleviate number shortages by implementing code sharing and other mechanisms to transfer unused numbers among carriers that need numbering resources. These benefits weigh in favor of a requirement that all local exchange carriers and covered CMRS carriers in the top 100 MSAs be LNP-capable, regardless of whether they receive a request from a competing carrier.[13] Similarly, these benefits indicate that carriers entering markets in the largest 100 MSAs should be required to be LNP-capable upon entry.[14]

8. We seek comment on whether these benefits to competition and numbering resource optimization warrant a reinstatement of the original LNP requirement for all local exchange carriers and covered CMRS carriers in the largest 100 MSAs. We also seek comment on whether certain small carriers that have switches either within the largest 100 MSAs or in areas adjoining the largest 100 MSAs, but provide service to no or few customers within the MSA, should be exempt from the LNP requirement because they are not likely to receive a request for LNP.[15]

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[11] *Number Portability First Order on Reconsideration*, 12 FCC Rcd at 7273.

[12] *Number Portability First Report and Order*, 11 FCC Rcd at 8368. Other competitive benefits cited by the Commission include lower local telephone prices. The Commission also stated that a lack of number portability would likely deter entry by competitive providers of local service because of the value customers place on retaining their telephone numbers. *Id.*

[13] Covered CMRS carriers have been granted permission to defer LNP deployment until November 24, 2002. *See* Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligation; Telephone Number Portability, CC Docket No. 95-116, *Memorandum Opinion and Order*, 14 FCC Rcd 3092, 3093 (1999) (*CTIA Forbearance Order*).

[14] We also would retain the current requirement that carriers outside of the largest 100 MSAs become LNP capable within six months of receiving a request from a competing carrier. *Number Portability First Report and Order*, 11 FCC Rcd at 8394.

[15] We note, however, that the Commission recently recognized that customers of small carriers in areas adjoining the 100 largest MSAs that participate in extended area service (EAS) arrangements receive the direct benefits of number portability. Telephone Number Portability, *Memorandum Opinion and Order on Reconsideration and Order on Application for Review*, FCC 02-16, para. 55 (rel. Feb. 15, 2002).

9. *Thousands-Block Number Pooling.* We also seek comment on whether all carriers within the largest 100 MSAs should be required to participate in thousands-block number pooling, regardless of whether they are capable of providing LNP or whether they have received a request to provide LNP in a particular switch.[16] Initially, the Commission linked the pooling requirement to the LNP requirement because it was widely accepted that carriers without LNP capability could not participate in pooling.[17] Recently, however, carriers have represented to the Commission that the underlying local routing number (LRN) architecture is necessary for pooling, but full LNP capability is not necessary for pooling.[18] The Commission has stated that numbering optimization measures, such as thousands-block number pooling, provide the greatest benefits when participation is maximized.[19] In addition, the Commission also stated that thousands-block number pooling is a valuable mechanism to remedy the inefficient allocation and use of numbering resources.[20] We continue to believe that numbering optimization measures, such as thousands-block number pooling, provide the greatest benefits when participation is maximized. In addition, we continue to believe that the industry and consumers are best served by national numbering resource optimization standards implemented consistently and in a competitively neutral manner across the nation.[21] Thus, we tentatively conclude that expanding the pooling requirement to all carriers without regard to whether they are required to provide number portability will promote further numbering resource optimization, and seek comment on this tentative conclusion. We also seek comment on whether certain small carriers, or classes of carriers that utilize numbering resources, should be exempt from the pooling requirements.

10. *Largest 100 MSAs.* In the *Numbering Resource Optimization Third Report and Order*, we clarified that the "largest 100 MSAs" include those MSAs identified in the *LNP First Report and Order*[22] as well as those areas included on any subsequent list of the largest 100 MSAs.[23] The most recent U.S. Census list for the year 2000 includes areas referred to as combined MSAs, or CMSAs. CMSAs include and combine the populations of several MSAs, some of which would not otherwise be included as a largest MSA.[24] The Commission has focused on LNP and pooling efforts in the largest MSAs because those are the areas most likely to have competitive markets that would benefit from these measures. Conversely, we have not required carriers to provide LNP or to participate in pooling in less populous areas because the full benefits of these measures would not likely be realized in areas without sufficient competition. We believe this policy remains intact, and question whether those areas on the largest 100 MSAs list only because they have been combined with other MSAs into CMSAs are sufficiently competitive to be subject to the LNP and pooling requirements. We therefore seek comment on whether to require carriers in such MSAs to provide LNP and participate in thousands-block number pooling. Comments should address whether requiring LNP and pooling in these additional MSAs will further our pro-competition and numbering resource optimization goals. We also seek comment on whether, in the

[16] This requirement would not extend to paging carriers. In the *Numbering Resource Optimization Third Report and Order*, the Commission declined to extend pooling requirement to paging carriers. *See Numbering Resource Optimization Third Report and Order* at para. 16.

[17] *See, e.g., CTIA Forbearance Order*, 14 FCC Rcd at 3096-97.

[18] *See* Verizon Wireless Petition at 3-4, 9-12.

[19] *Numbering Resource Optimization First Report and Order*, 15 FCC Rcd at 7624.

[20] *Id.* at 7625

[21] *Numbering Resource Optimization First Report and Order*, 15 FCC Rcd at

[22] *Id.* at Appendix D.

[23] *Numbering Resource Optimization Third Report and Order* at paras. 123-24.

[24] *See* 2000 U.S. Census, available at http://www.census.gov/population/cen2000/phc-t3/tab03.pdf.
See Appendix A for a list of MSAs that, if not combined with other MSAs into a CMSA, would not be included on the largest 100 MSAs list.

alternative, to give state commissions authority to require LNP and pooling in these additional MSAs. Commenters should address what factors states must consider (e.g., the number of competing service providers in the MSA), whether certain criteria must be met, and whether any such authority should be subject to Commission approval on a case-by-case basis. In addition, commenters should address whether small or rural carriers should be able to opt out of participation in such MSAs upon a showing that there are no competing carriers in the applicable geographic area.

IV. PROCEDURAL MATTERS

A. Ex Parte Presentation

11. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's rules. *See generally* 47 C.F.R. §§ 1.1202, 1.1203, and 1.1206(a) (1994). Submissions are also limited as discussed in the sections below.

B. Initial Regulatory Flexibility Analysis

12. As required by the Regulatory Flexibility Act of 1980, as amended, (RFA),[25] the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this *Further Notice of Proposed Rulemaking* (*Further Notice*). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Further Notice* provided *infra* in paragraph 26. The Commission will send a copy of the *Further Notice*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.[26] In addition, the *Further Notice* and IRFA (or summaries thereof) will be published in the Federal Register.[27]

1. Need for, and Objectives of, the Proposed Rules

13. The Commission is issuing this *Third Further Notice of Proposed Rulemaking in CC Docket 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No 95-116* (*Further Notice*) to seek further comment on whether we should again extend the LNP requirements to all carriers in the largest 100 MSAs, regardless of whether they receive a request to provide LNP. We also seek comment on whether all carriers in the top 100 MSAs should be required to participate in thousands-block number pooling, regardless of whether they are required to be LNP capable. Finally, we seek comment on whether all MSAs included in CMSAs on the Census Bureau's list of the largest 100 MSAs should be included on the Commission's list of the top 100 MSAs. Receiving comment on such matters will help us promote our goal of implementing number portability effectively and efficiently.

2. Legal Basis

14. The authority for actions proposed in this *Further Notice* may be found in Section 52.23 of the Commission's Rules, 47 CFR § 52.23, and in sections 1, 3, 4, 201-201, 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 153, 154, 201-205, and 251.

3. Description and Estimate of the Number of Small Entities To Which the

[25] *See* 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

[26] *See* 5 U.S.C. § 603(a).

[27] *See id.*

Proposed Rules Will Apply

15. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein.[28] The RFA defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[29] The term "small business" has the same meaning as the term "small business concern" under the Small Business Act, unless the Commission has developed one or more definitions that are appropriate for its activities.[30] Under the Small Business Act, a "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[31]

16. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide appears to be data the Commission publishes annually in its *Telecommunications Provider Locator* report, derived from filings made in connection with the Telecommunications Relay Service (TRS).[32] According to data in the most recent report, there are 5,679 interstate service providers.[33] These providers include, *inter alia*, local exchange carriers, wireline carriers and service providers, interexchange carriers, competitive access providers, operator service providers, pay telephone operators, providers of telephone service, providers of telephone exchange service, and resellers.

17. We have included small incumbent local exchange carriers (LECs)[34] in this present RFA analysis. As noted above, a "small business" under the RFA is one that, *inter alia*, meets the pertinent small business size standard (*e.g.*, a telephone communications business having 1,500 or fewer employees), and "is not dominant in its field of operation."[35] The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not "national" in scope.[36] We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

18. *Total Number of Telephone Companies Affected.* The Census Bureau reports that, at the

[28] 5 U.S.C. § 604(a)(3).

[29] 5 U.S.C. § 601(6).

[30] 5 U.S.C. § 601(3) (incorporating by reference the definition of "small business concern" in 15 U.S.C. § 632). Pursuant to the RFA, the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register." 5 U.S.C. § 601(3).

[31] 15 U.S.C. § 632.

[32] FCC, Common Carrier Bureau, Industry Analysis Division, *Telecommunications Provider Locator*, Tables 1-2 (November 2001) (*Provider Locator*). *See also* 47 C.F.R. § 64.601 *et seq.*

[33] *Provider Locator* at Table 1.

[34] *See* 47 U.S.C 251(h) (defining "incumbent local exchange carrier").

[35] 15 U.S.C. § 632.

[36] Letter from Jere W. Glover, Chief Counsel for Advocacy, SBA, to William E. Kennard, Chairman, FCC (May 27, 1999). The Small Business Act contains a definition of "small business concern," which the RFA incorporates into its own definition of "small business." *See* 15 U.S.C. § 632(a) (Small Business Act); 5 U.S.C. § 601(3) (RFA). SBA regulations interpret "small business concern" to include the concept of dominance on a national basis. 13 C.F.R. § 121.102(b).

end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year.[37] This number contains a variety of different categories of carriers, including LECs, interexchange carriers, competitive access providers, operator service providers, pay telephone operators, and resellers. It seems certain that some of these 3,497 telephone service firms may not qualify as small entities because they are not "independently owned and operated."[38] It seems reasonable to conclude that fewer than 3,497 telephone service firms are small entity telephone service that may be affected by these rules.

19. *Wireline Carriers and Service Providers.* The SBA has developed a definition of small entities for wireline telecommunications carriers. The Census Bureau reports that there were 2,321 such telephone companies in operation for at least one year at the end of 1992.[39] According to the SBA's definition, such a small business telephone company is one employing no more than 1,500 persons.[40] All but 26 of the 2,321 wireline companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Even if all 26 of the remaining companies had more than 1,500 employees, there would still be 2,295 wireline companies that might qualify as small entities. Although it seems certain that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under SBA's definition. Therefore, we estimate that fewer than 2,295 communications wireline companies are small entities that may be affected by these rules.

20. *Local Exchange Carriers, Competitive Access Providers, Interexchange Carriers, Operator Service Providers, Payphone Providers, and Resellers.* Neither the Commission nor the SBA has developed a specific size standard definition for small LECs, competitive access providers (CAPS), interexchange carriers (IXCs), operator service providers (OSPs), payphone providers, or resellers. The closest applicable size standard for these carrier-types under SBA rules is for wireline telecommunications carriers and telecommunications resellers.[41] The most reliable source of information that we know regarding the number of these carriers nationwide appears to be the data that we collect annually in connection with the TRS.[42] According to our most recent data, there are 1,329 LECs, 532 CAPs, 229 IXCs, 22 OSPs, 936 payphone providers, and 710 resellers.[43] Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of these carriers that would qualify as small business concerns under the SBA's definition. Therefore, we estimate that there are fewer than 1,329 small entity LECs or small incumbent LECs, 532 CAPs, 229 IXCs, 22 OSPs, 936 payphone providers, and 710 resellers that may be affected by these rules.

4. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

21. Future rules may require carriers within the 100 largest MSAs to be LNP-capable,

[37] U.S. Department of Commerce, Bureau of the Census, 1992 Census of Transportation, Communications, and Utilities: Establishment and Firm Size, at Firm Size 1-123 (1995) (1992 Census).

[38] *See generally* 15 U.S.C. § 632(a)(1).

[39] *1992 Census* at Firm Size 1-123 (based on previous SIC codes).

[40] 13 C.F.R. § 121.201, North American Industry Classification System (NAICS) code 513310. The category of Telecommunications Resellers, NAICS code 513330 also has an associated business size standard of 1500 or fewer employees.

[41] 13 C.F.R. § 121.201, NAICS codes 513310 and 513330.

[42] *See* 47 C.F.R. § 64.601 *et seq.*; *Provider Locator* at Table 1.

[43] *Provider Locator* at Table 1. The total for resellers includes both toll resellers and local resellers.

regardless of whether they have received a specific request from another carrier to provide LNP. In addition, we may also require all carriers in the top 100 MSAs to participate in thousands-block number pooling, regardless of whether they are required to be LNP capable. These rules may also include carriers that were not previously included in the top 100 MSAs. These potential requirements and inclusions of new carriers may impose additional obligations on such carriers. Commenters should discuss whether such requirements would pose an unreasonable burden on any group of carriers including small carriers.

5. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

22. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting 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 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.[44]

23. This *Further Notice* may impact small entities that were not previously subject to our rules because they were not previously in the top 100 MSAs or were not otherwise required to be LNP or pooling-capable. These requirements, however, are not designed to impact small entities any differently than larger entities. Rather, these requirements are designed to promote nationwide, effective and efficient LNP and number pooling. Furthermore, in the *Further Notice*, we explore possible exemptions for small carriers. Specifically, we seek comment on whether certain small carriers that have switches either within the largest 100 MSAs or in areas adjoining the 100 largest MSAs, but provide service to no or few customers within the MSA, should be exempt from the LNP requirement.[45] Thus, we seek to avoid creating an overwhelming burden for those carriers that are not likely to receive a request for LNP. We also seek comment on whether certain small carriers, or classes of carriers that utilize numbering resources, should be exempt from the pooling requirements.[46] In addition, we request that commenters address whether small or rural carriers should be able to opt out of participation in certain areas within combined MSAs upon a showing that there are no competing carriers in the applicable geographic area.[47]

6. Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rules.

24. None.

C. Initial Paperwork Reduction Act of 1995 Analysis

25. This *Further Notice* contains either a proposed or modified information collection. As part of its continuing effort to reduce paperwork burdens, we invite the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in this *Further Notice*, as required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13. Public and agency comments are due at the same time as other comments on this *Further Notice*; OMB comments are due 60 days from date of publication of this *Further Notice* in the Federal Register. Comments should address: (a) whether the proposed collection of information is necessary for the proper

[44] 5 U.S.C. § 603(c).

[45] *See* para. 8, *supra*.

[46] *See* para. 9, *supra*.

[47] *See* para. 10, *supra*.

performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

D. Comment Filing Procedures

26. Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties shall file comments on or before thirty (30) days from the date of publication of this *Further Notice* in the Federal Register, and reply comments forty-five (45) days from the date of publication of this *Further Notice* in the Federal Register. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 13 FCC Rcd 11322, 11326 (1998).

27. Comments filed through the ECFS can be sent as an electronic file via the Internet to <www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Or you may obtain a copy of the ASCII Electronic Transmittal From (FORM-ET) at <www.fcc.gov/e-file/email.html>.

28. Parties who choose to file by paper must file an original and four copies of each filing, and are hereby notified that effective December 18, 2001, the Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at a new location in downtown Washington, DC. The address is 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location will be 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

29. This facility is the only location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. Accordingly, the Commission will no longer accept these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743. In addition, this is a reminder that, effective October 18, 2001, the Commission discontinued receiving hand-delivered or messenger-delivered filings for the Secretary at its headquarters location at 445 12th Street, SW, Washington, DC 20554.

30. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express Mail and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location will be open 8:00 a.m. to 5:30 p.m. The USPS first-class mail, Express Mail, and Priority Mail should continue to be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The USPS mail addressed to the Commission's headquarters actually goes to our Capitol Heights facility for screening prior to delivery at the Commission.

If you are sending this type of document or using this delivery method...	It should be addressed for delivery to...

Hand-delivered or messenger-delivered paper filings for the Commission's Secretary	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (8:00 to 7:00 p.m.
Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail)	9300 East Hampton Drive, Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m.)
United States Postal Service first-class mail, Express Mail, and Priority Mail	445 12th Street, SW Washington, DC 20554

31. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties also should send three paper copies of their filing to Pam Slipakoff, Network Services Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C421, Washington, D.C. 20554.

32. Written comments by the public on the proposed and/or modified information collections pursuant to the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, are due on or before 30 days after date of publication in the Federal Register. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before 60 days after date of publication in the Federal Register. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12th Street, S.W., Washington, DC 20554, or via the Internet to jbherman@fcc.gov and to Jeanette Thornton; her email address is JThornto@omb.eop.gov, OMB Desk Officer, 10236 NEOB, 725 – 17th Street, N.W., Washington, D.C. 20503.

33. The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com. Alternative formats (computer diskette, large print, audio cassette and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426, TTY (202) 418-7365, or at bmillin@fcc.gov.

34. Other requirements. Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with section 1.49 and all other applicable sections of the Commissions rules. We also direct all interested parties to include the name of the filing party and the date of the filing on each page of their comments and reply comments. Comments and reply comments also must clearly identify the specific portion of this *Further Notice* to which a particular comment or set of comments is responsive. If a portion of a party's comments does not fall under a particular topic listed in the outline of this *Further Notice*, such comments must be included in a clearly labeled section at the beginning or end of the filing. For further information contact: Pam Slipakoff at (202) 418-7705 (voice), (202) 418-0484 (TTY), or pslipako@fcc.gov (e-mail).

V. ORDERING CLAUSES

35. Accordingly, IT IS ORDERED, pursuant to the authority contained in Sections 1, 3, 4, 201-205, 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 153, 154, 201-205, and 251, this THIRD ORDER ON RECONSIDERATION is hereby adopted.

36. IT IS FURTHER ORDERED that, pursuant to the authority contained in Sections 1, 3, 4, 201-205, 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 153, 154, 201-205, and 251, this FURTHER NOTICE OF PROPOSED RULEMAKING is hereby adopted.

37. IT IS FURTHER ORDERED that the Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this *Further Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton

William F. Caton
Acting Secretary