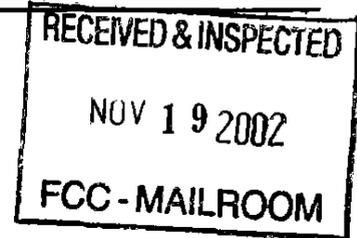


Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)
Amendment of Part 1 of the Commission's)
Rules)
Implementation of the Debt Collection)
Improvement Act of 1996 and Adoption of Rules)
Governing Applications or Requests for Benefits)
by Delinquent Debtors)
)
)

MD Docket No. 02-339

NOTICE OF PROPOSED RULEMAKING

Adopted: October 30, 2002

Released: November 15, 2002

COMMENT DATE: 60 days from date of publication in the Federal Register
REPLY COMMENT DATE: 90 days from date of publication in the Federal Register

By the Commission:

1. By this notice, the Commission proposes to amend its rules governing the collection of claims owed the United States, 47 C.F.R. Part 1 Subpart O, to implement the Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (1996) (DCIA). The Commission also proposes to adopt a rule withholding action on applications and other requests for benefits upon discovery that the entity applying for or seeking benefits is delinquent in its non-tax debts owed to the Commission, and mandating dismissal of such applications or requests if the delinquent debt is not resolved.

1. DEBT COLLECTION RULES

2. The Commission's rules governing claims owed the United States were adopted in 1988 to implement the Debt Collection Act of 1982, Pub. L. No. 97-365, 96 Stat. 1749 (1982) (DCA), and the Deficit Reduction Act, Pub. L. No. 98-369, 98 Stat. 1153 (1984).¹ The Commission's rules paralleled the implementing regulations issued in 1984 by the Department of Justice and the General Accounting Office known as the Federal Claims Collection Standards (FCCS).² In 1996, faced with "a rising tide of delinquent debts," Congress enacted the DCIA, revising federal debt collection procedures. Because our debt collection rules parallel the FCCS, we awaited revision of the FCCS before proposing to amend our rules. The Departments of Justice and Treasury have now issued final amendments to the FCCS.⁴ We

¹ See Amendment of Part 1 of the Commission's Rules and Regulations Regarding Implementation of the Debt Collection Act of 1982 and Related Statutory Provisions, 2 FCC Rcd 7339 (1987) (DCA NPRM); Amendment of Part 1 of the Commission's Rules and Regulations Regarding Implementation of the Debt Collection Act of 1982 and Related Statutory Provisions, 4 FCC Rcd 441 (1988), amended, 4 FCC Rcd 691 (1989) (DCA Rules) (adopting 47 CFR Part 1 Subpart O).

² See 4 C.F.R. §§ 101.1-105.5 (1987).

³ 142 Cong. Rec. H4087 (Apr. 25, 1996) (remarks of Congressman Horn).

⁴ Federal Claims Collection Standards, 65 FR 70390 (2000) (FCCS), codified at 31 C.F.R. Chapter IX and Parts 900-904.

refer interested parties to the detailed, section-by-section analysis comparing the original FCCS and the revised FCCS prepared by DOJ and Treasury.'

3. Based on the revised FCCS, we propose to amend our debt collection rules presently found at 47 C.F.R. Part 1 Subpart O. Our proposal also incorporates the Federal salary offset procedures, governed by 5 U.S.C. § 5514 and Office of Personnel Management (OPM) regulations.⁶ The proposed revisions to our DCIA rules include numerous changes and amendments. Major changes contained in our proposed revisions are discussed below. In addition, many adjustments have been made to take into account debts arising under our auction rules. Other provisions have been redrafted for clarity but do not substantively change debt collection procedures, and are not discussed here.

4. The following major changes to the Commission's debt collection rules are proposed. The proposed rules reflect the increase in the principal claim amount from \$20,000 to \$100,000 or such amount as the Attorney General deems appropriate, that agencies are authorized to compromise or to suspend or terminate collection activity thereon without the concurrence of the Department of Justice. In addition, the minimum amount of a claim that may be referred to the Department of Justice is increased from \$600 to \$2,500. The proposed rules also reflect several new debt collection procedures under the DCIA, including but not limited to (a) transfer or referral of delinquent debt to the Department of the Treasury or Treasury-designated debt collection centers for collection (known as cross-servicing); (b) mandatory, centralized administrative offset by disbursing officials; (c) mandatory credit bureau reporting; and (d) mandatory prohibition against extending Federal assistance in the form of loan or loan guarantee to delinquent debtors.' The proposed rules conform the Commission's definitions' with those used by the Departments of Justice and Treasury in their regulations on the DCIA. Finally, we have added a new section 1.1935 adopting the new Treasury regulations adopting the DCIA administrative wage garnishment requirements.⁹ We invite comment on all aspects of the proposed revisions to our debt collection rules.

II. DELINQUENT DEBTORS

5. Introduction. We have previously explained that the Commission is required to manage and collect substantial sums of money, including annual regulatory fees, application fees, civil monetary penalties, and auction payments, and oversees Universal Service Fund (USF) contributions.¹⁰ We envisioned a multi-step process to improve the management of the agency's accounts. The Commission established a Revenue Accounting and Management Information System (RAMIS) to support the agency's accounts receivable and to enable us to perform fee and debt sufficiency checks." We recently adopted the requirement that persons and entities doing business with the Commission obtain a unique identifying number called the FCC Registration Number (FRN), and supply it when doing business with

⁵ See Comparison of Obsolete Federal Claims Collection Standards (4 CFR Chapter II Parts 101-105) to Proposed & Final Federal Claims Collection Standards (31 CFR Chapter IX Parts 900-904), <www.fms.treas.gov/debt/fccsum4.pdf>.

⁶ See 5 C.F.R. § 550.1104.

⁷ See ¶¶ 6-18, infra, discussing the red light concept.

⁸ See generally proposed revisions to 47 C.F.R. § 1.1901

⁹ See Administrative Wage Garnishment, 63 Fed. Reg. 25136 (1998) (permitting agencies to garnish up to 15 percent of the disposable pay of a debtor to satisfy delinquent non-tax debt owed), adopting 31 C.F.R. § 285.11

¹⁰ Adoption of a Mandatory FCC Registration Number, 15 FCC Rcd 24370, 24370-71 (2000)(FRN NPRM).

¹¹ Id. at 24171; Amendment of Parts 1, 21, 61, 73, 74, and 76 of the Commission's Rules. Adoption of a Mandatory FCC Registration Number, 16 FCC Rcd 16138, 16139(2001)(FRN Order).

the Commission.” The Commission also established the Commission Registration System (CORES) to assign the FRN.¹³ Through these mechanisms, we are able to better track money owed to the Commission.

6. The “Red Light” Rule. This Notice proposes to extend and clarify policies already in place in our rules. Our regulatory and application fee rules already permit us as a matter of discretion to dismiss applications for failure to pay appropriate fees.¹⁴ Our auctions rules provide that an applicant must certify that it “is not in default on any Commission licenses and that it is not delinquent on any non-tax debt owed to any Federal agency”¹⁵ or its application will be dismissed.¹⁶ The next step in the improvement of the management of the Commission’s accounts is our proposal that anyone delinquent in any non-tax debts owed to the Commission will be ineligible for or barred from receiving a license or other benefit until the delinquency has been resolved by payment in full or by the completion of Satisfactory arrangements for payment. We propose to revise our regulatory and application fee rules to make it clear that **we** will withhold action on applications or other requests for benefits by delinquent debtors and ultimately dismiss those applications or other requests if payment of the delinquent debt is not made or other satisfactory arrangement for payment is not made. In addition, we propose to add a generally applicable rule (with some necessary exceptions, as discussed below) to be added as proposed rule 1.1910 as set forth in the appendix to withhold action on applications or other requests for benefits by debtors delinquent in debts other than application or regulatory fees, and to dismiss those applications or other requests if the delinquent debt is not paid or satisfactory arrangement for payment is not made. We invite public comment on all aspects of the proposed “red light rule” as set forth in the Appendix. We specifically seek comment on whether receipt of support from the universal service support mechanisms should be considered other benefits for these purposes, particularly in light the mandatory service obligations imposed by section 254(h)¹⁷.

7. Under the proposed rule changes, the Commission will not approve any applications” or other authorizations¹⁹ until they determine that all delinquent debt to the Commission by entities using the same taxpayer identifying number (TIN) is paid or satisfactory arrangements are made for payment. **An** applicant’s FRN will be used to determine all delinquent debt owed attributable to all entities using the

¹² FRN Order, *supra*

¹³ FRN NPRM, 15 FCC Rcd at 24371; FRN Order, 16 FCC Rcd at 16138-39

¹⁴ 47 U.S.C. §§ 158(c)(2), 159(c)(2). *See* 47 C.F.R. §§ 1.1109(c), 1.1109(d)(1); 1.1112(a)(1)(i); 1.1112(a)(2)(ii); 1.1157(a)(2); 1.1161(a)(1)(i); 1.1161(a)(2)(ii); 1.1164(e); and 1.1166(c).

¹⁵ 47 C.F.R. § 1.2105(a)(2)(x). *See also* 47 C.F.R. § 1.2105(a)(2)(xi). These rules are not affected by the proposed red light rule.

“47C.F.R. § 1.2105(b)

¹⁷ 47 C.F.R. § 254(h)(1)(B) (“All telecommunications carriers serving a geographic area shall, upon a bonafide request for any of its services that are within the definition of universal service under subsection (c) (3) of this section, provide [universal]service to elementary schools, secondary schools, and libraries for educational purpose rates less than the amounts charged for similar services to other parries”).

¹⁸ Applications include requests to waive, defer, or reduce application fees or regulatory fees under 47 C.F.R. §§ 1.1117 and 1.1166, and petitions or applications for review under 47 C.F.R. §§ 1.1117, 1.1159, and 1.1167 related to applications or other requis requiring the filing of an FRN.

¹⁹ *See* FRN Order, 16 FCC Rcd at 16143, *citing* 31 U.S.C. § 7701(c)(2) (DCIA definition of doing business with the federal government); 47 C.F.R. § 1.8002(a) (indicating anyone doing business with the Commission **must** obtain an FRN).

same TIN.” By delinquent debt we mean a claim or debt” which has not been paid by the date specified in the initial written demand for payment, applicable agreement, instrument, or Commission rule or rules, unless other satisfactory payment arrangements have been made by that date, or, at any time thereafter, the debtor has failed to satisfy an obligation under a payment agreement or instrument with the agency, or pursuant to a Commission rule.” We propose that if a timely challenge has been filed either to the existence of or the amount of a debt, that debt will not be considered delinquent for purposes of the red light rule.²³ For purposes of Part 1, Subpart O only, an installment payment under 47 C.F.R. § 1.2110(g) will not be considered delinquent until the expiration of all applicable grace periods and any other applicable periods under Commission rules to make the payment due. The rules set forth in this subpart in no way affect the Commission’s rules on default or automatic license cancellation as may be amended. All Commission electronic systems will be linked with RAMIS, which will check the FRN provided on the filing for eligibility-based fee sufficiency and the existence of any non-tax delinquent debt. All FRNs provided with a filing will be checked for delinquent debt, and the delinquency of any entity covered by the same TIN will trigger this proposed rule.

8. We propose to withhold action on applications or other requests for benefits until delinquent debts have been resolved. The delinquent debtor will be notified that a fee and delinquent debt check revealed either a fee insufficiency or delinquent debt that must be resolved within 30 days of the notification. This resolution period is not intended to restrict our exercise of any right to recover or collect amounts due to the Commission.²⁴ In no case would an application or other request for benefit be granted until the delinquent debt issue has been resolved. If the delinquency has not been resolved within 30 days of the date of the notification letter, we propose that the application or request for authorization will be dismissed.

9. Exceptions to the “Red Light” Rule. Several unique situations may require exceptions to the general rule. We invite comment on the exceptions proposed and whether there are any other special circumstances requiring departure from our general proposed rule.

10. In the FRN Order, we made exceptions for providing the FRN in the case of emergency authorizations and emergency special temporary authorities (STAs).²⁵ We believe a similar adjustment is necessary here. Thus, we propose that emergency authorizations and STA applications involving safety of life or property, including national security emergencies, will not be subject to the red-light rule.²⁶

²⁰ As noted in the FRN Order, 16 FCC Rcd at 16141, entities may acquire multiple FRNs. However, only delinquent debt attributable to the same TIN will trigger our proposed red light rule.

²¹ We note that pursuant to section 504(c) of the Communications Act, as amended, 47 U.S.C. § 504(c), we do not treat monetary forfeitures imposed after issuance of a notice of apparent liability as debts owed to the United States until the forfeiture had been partially paid or a court of competent jurisdiction has ordered payment of the forfeiture and such order is final.

²² Proposed 47 C.F.R. § 1.1901(j). See also 31 C.F.R. § 900.2(b) (“a debt is ‘delinquent’ if it has not been paid by the date specified in the agency’s initial written demand for payment or applicable agreement or instrument (including post-delinquency payment agreement), unless other satisfactory payment arrangements have been made.”).

²³ Cf. C.F.R. § 285.13(d)(2)(iii) (a debt is not delinquent for purposes of the denial of financial assistance to delinquent debtors under 31 U.S.C. § 37208 if it is subject to time-filed administrative or judicial challenge).

²⁴ See proposed 47 C.F.R. §§ 1.1902 and 1.1905.

²⁵ See FRN Order, 16 FCC Rcd at 16146.

²⁶ See FRN Order, 16 FCC Rcd at 16146 n.63 (citing regulations for emergency authorizations and STAs).

Such applications should include the FRN, as we noted in the FRN Order.²⁷ We propose that we will, however, examine any subsequent applications for regular authority in place of the emergency authorization or **STA** to determine if the applicant is a delinquent debtor, and will **not** grant such applications until such delinquencies are resolved.

11. Certain sections of the Communications Act contain congressionally mandated deadlines.” Other sections of the Communications Act provide that if the Commission fails to act by a set date, the Commission is deemed to have approved the action sought.” In addition, certain sections of the Commission’s rules provide that uncontested applications are granted automatically once a given period of time has passed.³⁰ In these circumstances, if the applicant is found to be a delinquent debtor at the statutory or Commission imposed deadline, the application will be dismissed, consistent with the general rule. We think this result is unlikely, as we expect that most applicants will diligently check to determine whether they are delinquent in any debts owed to the Commission and resolve any such delinquencies in a timely manner. Nonetheless, dismissal of such applications for delinquencies is possible. We could alternatively adopt an exception to the general rule that would provide relief from the rule for applications involving statutory or Commission imposed deadlines. While we are not inclined to make such an exception, we seek comment on the handling of such situations. We seek comment on how we might reconcile our rule with these sections of the Communications Act or our own rules.

12. The proposed red light rule permits delinquent debtors to resolve the delinquency within 30 days (see paragraph 7, supra). We propose that the 30-day resolution period would not apply to applications or requests for benefits where more restrictive rules govern treatment of delinquent debtors. For example, under existing rules auction participants must already certify that they are not delinquent in non-tax debt or their short form application will be dismissed and they will be ineligible to participate in an auction.” We note, however, that the proposed red light rule would apply to subsequent applications filed by winning bidders, *e.g.*, the long-form application.

13. The Bankruptcy Code may require an exception to the red light rule. Section **208** of the Bankruptcy Code permits the trustee in bankruptcy to fulfill an obligation within 60 days,³² whereas we have proposed a 30-day period for delinquent debtors to resolve the delinquency before we will dismiss an application or other request for benefit. We seek comment on how we can reconcile the proposed rule and section **208** of the Bankruptcy Code.” In addition, we seek comment on whether any other sections

²⁷ Id. at 46.

²⁸ See 47 U.S.C. § 271(d)(3) (Bell operating company interLATA applications must be decided within 90 days); 47 U.S.C. § 252(e)(5) (if a state commission fails to act on an interconnection agreement, the Commission shall issue an order preempting the state commission’s jurisdiction within 90 days of notice of failure of the state to act); 47 U.S.C. § 405(b)(1) (Commission must act on petition for reconsideration of an order concluding a hearing under section 204(a) or 208(b)); 47 U.S.C. § 208(b)(1) (Commission must issue an order concluding an investigation of lawfulness of a charge, classification, regulation, or practice within 5 months after filing of complaint); 47 U.S.C. § 614(h)(C)(iv) (Commission must decide cable must carry complaints within 120 days).

²⁹ See 47 U.S.C. § 160(c) (Commission must act on petition for forbearance within one year, extendable by an additional 90 days, or petition deemed granted).

³⁰ See *e.g.* 47 C.F.R. § 63.03 (a), which allows an applicant to transfer control of the domestic lines or authorization to operate on the 31st day after the date of public notice listing a domestic section 214 transfer of control application as accepted for filing as a streamline application.

³¹ See 47 C.F.R. § 1.2105(a)(2)(x) and (xi).

³² See 11 U.S.C. § 108(b)(2).

³³ We also note that if we may have to examine whether section 525 of the Bankruptcy Code, 11 U.S.C. § 525(a) prevents application of the red light rule when the applicant has filed for bankruptcy.

of the Bankruptcy Code require modification of our proposed red light rule

14. In some instances, such as tariffs, filings with the Commission go into effect immediately (or within one day), thus precluding a check to determine if the filer is a delinquent debtor before the request goes into effect." In the tariff situation, we have the ability to take appropriate action against a tariff after its effective date for noncompliance with any of our rules.³⁵ We propose to use that approach for tariffs that go into effect immediately on filing and where it is later discovered that the filer is a delinquent debtor. We propose *not* to apply this rule to multi-party tariffs where one party is discovered to be a delinquent debtor, as we do not wish to penalize the other parties to the tariff.

15. Finally, in the FRN Order we noted that Freedom of Information Act (FOIA) and due diligence requests required unique treatment.³⁶ FOIA requestors and due diligence requestors will not be pre-screened for delinquent debt under the proposed procedures. Our FOIA rules already address situations where FOIA requestors previously failed to pay FOIA fees."

16. Effective Date of Red Light Rule. We propose that if we adopt the red light rule, it would apply to any applications or requests for benefits pending at the time the rule goes into effect. As noted, pending applications or requests for benefits are subject to a check for debt delinquency at any time before the request is granted. This approach is consistent with the general rule of applying regulations in effect at the time of the decision." We seek comment on the proposed application of the effective date.

17. As previously noted, the FRN is the key to checking for delinquent debt. The FRN became mandatory on December 3, 2001.³⁹ Prior to that date, we encouraged entities doing business with the Commission to obtain and include the FRN in their filings with the Commission.⁴⁰ While many applicants included the FRN prior to December 3, 2001, many did not. We propose that applications still pending if we ultimately adopt the red light rule that were filed prior to December 3, 2001 without an FRN will not be subject to the rule due to the administrative difficulties in checking for delinquent debt on those applications. Alternatively, we propose that parties will have 30 days from the effective date of the rule to amend those applications to include FRNs. We seek comment on whether any other exceptions to this proposed application of the rule are necessary.

18. Authority We believe that ample authority exists for this proposed action under the Communications Act of 1934, as amended." While the DCIA does not specifically prohibit the issuance of licenses or authorizations to delinquent debtors, it strongly counsels that debtors who are delinquent in payments to the government should not receive benefits from the federal government while the

³⁴ See 47 U.S.C. §§ 203, 206.

³⁵ See 47 U.S.C. § 20s.

³⁶ FRN Order, 16 FCC Rcd at 16142-43.

³⁷ See 47 C.F.R. § 0.469(a)(2).

³⁸ See United States v. Schooner Peggy, 5 U.S. (1 Cranch) 103 (1801) and Landeraf v. USI Film Products, Ltd., 511 U.S. 244 (1994).

³⁹ See FRN Order, 16 FCC Rcd at 16148.

⁴⁰ See New Commission Registration System (CORES) to be Implemented July 19, 15 FCC Rcd 18754 (2001).

⁴¹ See 47 U.S.C. §§ 158(c)(2) and 159(c)(2) ("the Commission may dismiss any application or other filing for failure to pay in a timely manner any . . . fee or penalty under this section"); see also 47 U.S.C. §§ 154(i) and 303(r).

delinquency is outstanding.” The FCCS rules implementing the DCIA direct the Commission to “aggressively collect all debts arising out of [our] activities,” and encourage agencies to “consider suspension or revocation of licenses, permits, or other privileges for any inexcusable or willful failure of a debtor to pay such a debt in accordance with the agency’s regulations or governing procedures.”” Withholding action upon an application or request for authorization until delinquencies have been resolved is consistent with the intent of the **DCIA** and in furtherance of the Commission’s implementing rules.

111. PROCEDURAL MATTERS AND ORDERING CLAUSES

19. Initial Regulatory Flexibility Certification. We hereby certify, and tentatively conclude we will be able to so certify if we adopt these rules in final form, that the rules proposed in this Notice will not, if promulgated, have a significant economic impact on a substantial number of small entities.⁴⁴ The proposed amendment of our Part 1 Subpart O rules to conform to the DCIA streamline our debt collection rules reflecting the statutory language contained in the DCIA, and therefore a regulatory flexibility analysis is not required.⁴⁵ The proposed rule amendments requiring payment of delinquent debts before final action is taken on an application or other request for a federal benefit will not affect a significant number of small entities. We estimate that there are approximately 3600 debtors currently delinquent in their debt to the Commission out of approximately 406,000 entities that hold an FRN. This means that potentially only one percent of entities doing business with the Commission could be affected by this rule. Of the 3600 delinquent debtors, it is impossible to determine how many are small entities, but we can reasonably posit that less than all 3600 are small entities. Consequently, less than one percent of entities subject to this rule are small entities. Therefore, we propose to certify pursuant to 5 U.S.C. § 605(b) that the “red light rule” does not require a regulatory flexibility analysis. We invite comments on our initial regulation flexibility certification.

20. Ex Parte Matters. This proceeding will be treated as a “permit-but-disclose” proceeding subject to the “permit-but-disclose” requirements under Section 1.1206(b) of the rules. 47 C.F.R. 1.1206(b), as revised. Ex parte presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, ex parte or otherwise, are generally prohibited. Persons making oral ex parte presentations are reminded that a memorandum summarizing a presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. 1.1206(b)(2), as revised. Additional rules pertaining to oral and written presentations are set forth in section 1.1206(b)

21. Comment Filing. Pursuant to Sections 1.415 and 1.419 of the Commission’s rules, “interested parties may file comments on or before 60 days from publication in the Federal Register, and reply comments on or before 90 days from publication in the Federal Register. Comments may be filed

⁴² Cf. 31 U.S.C. § 3720B (those delinquent in non-tax debt are ineligible for federal assistance in the form or loan or loan insurance); 31 C.F.R. §§ 285.13(c)(1) (a person owing delinquent nontax debt is not eligible for Federal financial assistance).

⁴³ 31 C.F.R. § 901.6(b)

⁴⁴ 5 U.S.C. § 605(b)

⁴⁵ See FCCS Rules. 65 FR at 70395 (certifying under section 605(b) that the FCCS rules did not require a regulatory flexibility analysis).

⁴⁶ 47 C.F.R. §§ 1.415, 1.419,

using the Commission's Electronic Comment Filing System (ECFS) or by tiling paper copies.⁴⁷

22. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://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, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get 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. Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 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. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

23. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. Comments and reply comments will be available for public inspection during regular business hours in the Reference Information Center (Room CY-A257) of the Federal Communications Commission, The Portals, 445 - 12th Street, S.W., Washington, D.C. 20554. Copies of comments and reply comments will also be available through the Commission's duplicating contractor.

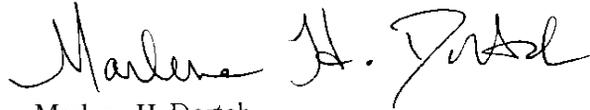
24. Further Information. For further information concerning legal aspects of this Notice, contact Regina Dorsey, Special Assistant to the Chief Financial Officer, at 1-202-418-1993, or by e-mail at rdorsey@fcc.gov, or Laurence H. Schecker, Office of General Counsel, Administrative Law Division, at 1-202-418-1720, or by e-mail at lschecke@fcc.gov.

28. Accordingly, IT IS ORDERED THAT, pursuant to Sections 4(i), 8(c)(2), 9(c)(2), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 158(c)(2), 159(c)(2), and 303(r), and 5 U.S.C. § 5514, this Notice of Proposed Rulemaking is hereby ADOPTED.

⁴⁷ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

26. IT IS FURTHER ORDERED that the Commission's Consumer & Government Affairs Bureau, Reference Information Center, SHALL SEND a copy ~~of~~ this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION



Marlene H. Dortch
Secretary