

induced by copper, iron, and manganese, the Administrator determined that the petitioner requested the addition of both Parkinson's disease and parkinsonism, including heavy metal-induced parkinsonism.

#### **D. Review of Scientific and Medical Information and Administrator Determination**

In response to Petition 025, and pursuant to the Program policy on the addition of non-cancer health conditions to the List, the Program conducted a review of the scientific literature on Parkinson's disease and parkinsonism, including heavy metal-induced parkinsonism, to identify peer-reviewed, published, epidemiologic studies of the health condition in the 9/11-exposed population.<sup>20</sup>

Neither the references provided in the petitions, including those described above, nor the literature search conducted by the Program identified any peer-reviewed, published, epidemiologic studies of either Parkinson's disease or parkinsonism, including heavy metal-induced parkinsonism, in 9/11-exposed populations. Pursuant to the WTC Health Program's policy on the evaluation of petitions,<sup>21</sup> since no peer-reviewed, published, epidemiologic studies of Parkinson's disease or parkinsonism, including heavy metal-induced parkinsonism, in 9/11 populations were identified, the Program was unable to conduct an evaluation of scientific evidence to determine the likelihood of a causal association between 9/11 exposures and the petitioned health conditions.

#### **E. Administrator's Final Decision on Whether To Propose the Addition of Parkinson's Disease and Parkinsonism, Including Heavy Metal-Induced Parkinsonism, to the List**

Pursuant to PHS Act, sec. 3312(a)(6)(B)(iv) and 42 CFR 88.16(a)(2)(iv), the Administrator has

determined that insufficient evidence is available to take further action at this time, including proposing the addition of Parkinson's disease and parkinsonism, including heavy metal-induced parkinsonism, to the List (pursuant to PHS Act, sec. 3312(a)(6)(B)(ii) and 42 CFR 88.16(a)(2)(ii)) or publishing a determination not to publish a proposed rule in the **Federal Register** (pursuant to PHS Act, sec. 3312(a)(6)(B)(iii) and 42 CFR 88.16(a)(2)(iii)). The Administrator has also determined that requesting a recommendation from the STAC (pursuant to PHS Act, sec. 3312(a)(6)(B)(i) and 42 CFR 88.16(a)(2)(i)) is unwarranted.

For the reasons discussed above, the Petition 025 request to add Parkinson's disease and parkinsonism, including heavy metal-induced parkinsonism, to the List of WTC-Related Health Conditions is denied.

#### **F. Approval To Submit Document to the Office of the Federal Register**

The Secretary, HHS, or his designee, the Director, Centers for Disease Control and Prevention (CDC) and Administrator, Agency for Toxic Substances and Disease Registry (ATSDR), authorized the undersigned, the Administrator of the WTC Health Program, to sign and submit the document to the Office of the Federal Register for publication as an official document of the WTC Health Program. Robert Redfield M.D., Director, CDC, and Administrator, ATSDR, approved this document for publication on February 3, 2020.

**John J. Howard,**

*Administrator, World Trade Center Health Program and Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services.*

[FR Doc. 2020-02991 Filed 2-18-20; 8:45 am]

**BILLING CODE 4163-18-P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 64**

**[WC Docket No. 12-375; DA 20-127; FRS 16478]**

### **Wireline Competition Bureau Seeks To Refresh the Record on Ancillary Service Charges Related to Inmate Calling Services**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; solicitation of comments.

**SUMMARY:** In this document, the Wireline Competition Bureau (Bureau) seeks to refresh the record on ancillary service charges imposed in connection with inmate calling services (ICS) in response to a remand from the United States Court of Appeals for the District of Columbia Circuit.

**DATES:** Comments are due March 20, 2020. Reply Comments are due April 6, 2020.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW, Washington, DC 20554

**FOR FURTHER INFORMATION CONTACT:** Minsoo Kim, Wireline Competition Bureau, Pricing Policy Division, via phone at 202-418-1739 or via email at [Minsoo.Kim@fcc.gov](mailto:Minsoo.Kim@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Public Notice that the Federal Communications Commission's Wireline Competition Bureau released on February 4, 2020. A full-text version of the Public Notice is available at the following internet address: <https://docs.fcc.gov/public/attachments/DA-20-127A1.pdf>.

In this document, the Wireline Competition Bureau (Bureau) seeks to refresh the record on ancillary service charges imposed in connection with inmate calling services (ICS). In the *2015 ICS Order*, the Commission adopted rules limiting the ancillary services for which ICS providers could assess fees and capping the permissible charges for these ancillary services.

In *Global Tel\*Link v. FCC*, the United States Court of Appeals for the District of Columbia Circuit affirmed the Commission's plenary authority to cap ancillary service charges for interstate ICS, but held that, based on the record before the Court, the Commission lacked authority to regulate ancillary service charges for intrastate ICS. Because the Court could not "discern from the record whether ancillary fees can be segregated between interstate and intrastate calls," the Court remanded the issue to the Commission for further consideration. The Bureau seeks to refresh the record on ancillary service charges in response to the D.C. Circuit's remand.

The *2015 ICS Order* did not address whether any particular ancillary service charge could be segregated between interstate and intrastate calls given the Commission's imposition of identical rate caps for interstate and intrastate calls alike. The Bureau now seeks specific comment on whether each permitted ICS ancillary service charge may be segregated between interstate and intrastate calls and, if so, how. The Bureau asks commenters to explain in

<sup>20</sup> Databases searched include: CINAHL, Embase, NIOSHTIC-2, ProQuest Health & Safety, PsycINFO, PubMed, Scopus, Toxicology Abstracts, TOXLINE, and the WTC Health Program Research Compendium Endnote Database. Keywords/phrases used to conduct the search include: World Trade Center; WTC; September 11; parkinsonian disorders; parkinson\*; manganism; supranuclear palsy; progressive; progressive supranuclear palsy; multiple system atrophy; multiple system atrophy; Lewy body disease; dementia with Lewy bodies; corticobasal degeneration; hypokinesia; bradykinesia; tremor; tremors; slow movement; stiffness; muscle rigidity; rigidity; masked face; micrographia; monotonous speech; loss of postural reflex; cock-walk gait; asymmetric dystonia; levodopa; basal ganglia; and basal ganglia nuclei. The literature search was conducted in English-language journals on December 27, 2019.

<sup>21</sup> See *supra* note 5.

detail the basis for any claim that an ancillary service charge may be segregated, including addressing the range of different functions that might be associated with each charge where relevant. For example, a “Live Agent Fee” can be assessed when an ICS consumer uses an optional live operator to complete different types of ICS-related transactions. To the extent these individual transactions jurisdictionally differ (e.g., if a live operator is used by an ICS consumer to complete either an interstate or intrastate ICS call as well as to assist that same consumer with paper billing), how should the Commission factor that transaction into applying the Live Agent Fee cap?

The Bureau also seeks comment on how the Commission should proceed in the event any permitted ancillary service is “jurisdictionally mixed” and cannot be segregated between interstate and intrastate calls. Jurisdictionally mixed services are “[s]ervices that are capable of communications both between intrastate end points and between interstate end points.” Jurisdictionally mixed services “are generally subject to dual federal/state jurisdiction, except where it is impossible or impractical to separate the service’s intrastate from interstate components and the state regulation of the intrastate component interferes with valid federal rules or policies.”

To the extent any permitted ancillary service charge or associated function is jurisdictionally mixed, the Bureau seeks comment on how best to apply the prescribed cap to that ancillary service or function pursuant to section 201(b) of the Communications Act of 1934, as amended. Should the Bureau simply apply the cap to jurisdictionally mixed services? Is it possible or practical to allow higher rates on only a portion of such ancillary services? How would such a rule apply here? Is it possible to separate the interstate and intrastate aspects of each such ancillary service charge or function? If so, how? If not, can the Commission proceed to regulate the entire ancillary service charge to the extent it is not jurisdictionally severable? One court has interpreted *GTL v. FCC* to hold that the Commission may not cap interstate ancillary fees “except to the extent those for interstate calls ‘can be segregated’ from intrastate calls.” Given the holdings of the Supreme Court and federal appellate courts on the issue, is that interpretation correct?

Finally, the Bureau asks commenters to (1) suggest specific rule language responsive to the D.C. Circuit’s remand, and (2) propose any additional steps the Commission should take to ensure,

consistent with the D.C. Circuit’s opinion, that its actions on remand “properly reflect[]” the reforms adopted in 2015 and that providers of interstate ICS do not circumvent or frustrate the Commission’s ancillary service charge rules. For example, should the Commission prohibit an ICS provider that generates separate paper bills for interstate and intrastate ICS (merely to impose two separate paper bill charges on ICS consumers) from imposing a \$2.00 charge for the interstate paper bill and an additional charge for the intrastate bill? Alternatively, should the Commission lower the cap for any separate paper bills for interstate ICS to \$0.00 if an ICS provider charges \$2.00 or more for paper bills for intrastate services?

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, interested parties may file comments and reply comments on or before the dates set forth in the **Federal Register** notice of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the internet by accessing the ECFS: <http://www.fcc.gov/ecfs/>.

- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes 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 9050 Junction Drive, Annapolis Junction, MD 20701.

- U.S. Postal Service first-class, Express, and Priority mail must be

addressed to 445 12th Street SW, Washington, DC 20554.

**People with Disabilities.** To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

**Ex Parte Rules.** This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) List all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation.

If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission’s rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

**Additional Information.** For further information, contact Minsoo Kim of the Wireline Competition Bureau at (202) 418-1739 or [Minsoo.Kim@fcc.gov](mailto:Minsoo.Kim@fcc.gov).

Federal Communications Commission.

**Daniel Kahn,**

*Associate Bureau Chief, Wireline Competition Bureau.*

[FR Doc. 2020-03110 Filed 2-18-20; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 76

[MB Docket No. 20-31; FCC 20-10; FRS 16469]

### Implementation of Provisions of the Television Viewer Protection Act of 2019 Governing Negotiation of Retransmission Consent Between Qualified Multichannel Video Programming Distributor Buying Groups and Large Station Groups

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) proposes revisions to its rules governing good faith negotiation of retransmission consent, to implement provisions of the Television Viewer Protection Act of 2019 governing negotiations between qualified multichannel video programming distributor buying groups and large broadcast station groups.

**DATES:** Comments are due on or before March 5, 2020; reply comments are due on or before March 16, 2020.

**ADDRESSES:** You may submit comments, identified by MB Docket No. 20-31, by any of the following methods:

- *Federal Communications Commission's Website:* <http://fjallfoss.fcc.gov/ecfs2/>. Follow the instructions for submitting comments.

- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes 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 9050 Junction Drive, Annapolis Junction, MD 20701.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

*People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: (202) 418-0530 or TTY: (202) 418-0432.

**FOR FURTHER INFORMATION CONTACT:** For additional information on this proceeding, contact Raelynn Remy of the Policy Division, Media Bureau at [Raelynn.Remy@fcc.gov](mailto:Raelynn.Remy@fcc.gov), or (202) 418-2936.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), FCC 20-10, adopted and released on January 31, 2020. The full text is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW, Room CY-A257, Washington, DC 20554. This document will also be available via ECFS at <https://docs.fcc.gov/public/attachments/FCC-20-10A1.docx>.

Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW, Room CY-B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

### Synopsis

1. In this Notice of Proposed Rulemaking (NPRM), we propose revisions to section 76.65 of our rules, which governs good faith negotiation of retransmission consent, to implement provisions in section 1003 of the Television Viewer Protection Act of 2019 (TVPA).<sup>1</sup> Section 1003 principally

<sup>1</sup> The Television Viewer Protection Act of 2019, Public Law 116-94, 133 Stat. 2534, 3198 (2019) (amendments to be codified at 47 U.S.C. 325). Through this NPRM, we satisfy Congress's directive in section 325(b)(3)(C) of the Communications Act of 1934, as amended by section 1003(a)(3) of the TVPA, to commence a rulemaking proceeding to revise the Commission's rules to specify that "certain small MVPDs can meet the obligation to negotiate [retransmission consent] in good faith . . . by negotiating with a large station group

directs the Commission to adopt rules that provide for negotiation of retransmission consent between "qualified multichannel video programming distributor [MVPD] buying group[s]" and "large [broadcast] station group[s]" as those terms are defined in the TVPA. As discussed below, we propose to adopt rules defining: (i) The term "large station group" as used in section 1003 of the TVPA to mean, in relevant part, an entity whose individual television station members *collectively* have a national audience reach of more than 20 percent; and (ii) the term "qualified MVPD buying group" as used in section 1003 to mean, in relevant part, an entity that negotiates on behalf of MVPDs that collectively serve no more than 25 percent of all households receiving service from *any* MVPD in a given local market. In addition, we propose to codify in section 76.65 the provisions governing negotiation of retransmission consent between qualified MVPD buying groups and large station groups, as well as the definitions of "local market" and "multichannel video programming distributor" set forth in section 1003(b)(3). Finally, we propose to make minor conforming changes to section 76.65. We seek comment on these proposals.<sup>2</sup>

### I. Background

2. The TVPA, enacted on December 20, 2019, is the latest in a series of statutes that have amended the Communications Act to establish parameters for the carriage of television broadcast stations by MVPDs. As relevant to this NPRM, section 1003 of the TVPA revised section 325(b) of the Act principally by allowing smaller MVPDs to negotiate collectively as a buying group for retransmission consent with large broadcast station groups. In particular, section 1003(a)(3) of the TVPA amends section 325(b)(3)(C) of the Act by adding new subsection 325(b)(3)(C)(vi), which, read as part of section 325(b)(3)(C) as a whole, requires the Commission to commence a rulemaking proceeding to revise its

through a qualified MVPD buying group." Section 325(b)(3)(C), as amended, requires that the Commission specify such rules "not later than 90 days after the date of enactment of the TVPA," or March 19, 2020.

<sup>2</sup> This NPRM proposes rule revisions that implement only section 1003 of the TVPA; TVPA provisions not covered herein will be implemented in separate proceedings. In view of the 90-day deadline established in section 325(b)(3)(C) of the Act, as amended by section 1003(a)(3) of the TVPA, we find that establishing the abbreviated pleading cycle set forth above is necessary to meet our statutory responsibility and serves the public interest.