

transmitter might require one hour to determine compliance, while a site with many co-located transmitters may require considerably more time.

Frequency of Response: On occasion reporting requirement and third party disclosure.

Total Annual Burden: 223,376 hours.

Estimated Annual Reporting and

Recordkeeping Cost: The estimated cost to respondents to perform the environmental evaluations per service varies. For example, complex situations that require a consulting engineer @ \$100 per hour may require additional time to perform an evaluation; portable devices authorized under Part 2 of the Rules require a specific absorption rate of RF energy test with an average cost of approximately \$5,000 per test; and other applicants will use OET Bulletin No. 65 to perform environmental evaluations, and will have no financial burden associated with the evaluation.

Needs and Uses: The National Environmental Policy Act of 1969 (NEPA) requires agencies of the Federal Government to evaluate the effects of their actions on the quality of the human environment. To meet its responsibilities under NEPA, the Commission has adopted revised RF exposure guidelines for purposes of evaluating potential environmental effects of RF electromagnetic fields produced by FCC-regulated facilities. The new guidelines reflect more recent scientific studies of the biological effects of RF electromagnetic fields. The use of these new guidelines will ensure that the public and workers receive adequate protection from exposure to potentially harmful RF electromagnetic fields. The collection of environmental information required by section 1.1307 of the Rules will be used by the Commission staff to determine whether the environmental evaluation is sufficiently complete and in compliance with the Commission's Rules to be acceptable for filing.

OMB Control No. 3060-0813.

Title: Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems.

Form No.: N/A.

Type of Review: Revision and Extension of currently approved collection.

Respondents: Business and Government Entities.

Responses: 125,996.

Estimated Time Per Response: Between 1 hour and 5 hours.

Frequency of Response: Occasional (some are one-time burdens).

Total Annual Burden: 195,100 hours.

Total Annual Cost: 0.

Needs and Uses: The notification burden on Public Safety Answering Points (PSAPs) will be used by the carriers to verify that wireless 911 calls are referred to PSAPs who have the technical capability to use the data to the caller's benefit. TTY and dispatch notification requirements will be used to avoid consumer confusion as to the capabilities of their handsets in reaching help in emergency situations, thus minimizing the possibility of critical delays in response time. The annual TTY reports will be used to monitor the progress of TTY technology and thus compatibility. Consultations on the specific meaning assigned to pseudo-ANI are appropriate to ensure that all parties are working with the same information. Coordination between carriers and State and local entities to determine the appropriate PSAPs to receive and respond to E911 calls is necessary because of the difficulty in assigning PSAPs based on the location of the wireless caller. The deployment schedule that must be submitted by carriers seeking a waiver of the E911 Phase I or Phase II deployment schedule will be used by the Commission to guarantee that the rules adopted in this proceeding are enforced in as timely a manner as possible within technological constraints.

OMB Approval No.: 3060-0179.

Title: Section 73.1590 Equipment Performance Measurements.

Form No.: n/a.

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit, not-for-profit institutions.

Number of Respondents: 4,685 AM stations, 8,032 FM stations and 332 TV stations.

Estimated Hours Per Response: 0.5 hours for AM/FM stations and 18 hours for TV stations.

Frequency of Response: On occasion.

Cost to Respondents: \$0.

Estimated Total Annual Burden: 12,335 hours.

Needs and Uses: Section 73.1590 requires licensees of AM, FM and TV stations to make audio and video equipment performance measurements for each main transmitter. These measurements and a description of the equipment and procedure used in making the measurements must be kept on file at the transmitter for two years. In addition, this information must be made available to the FCC upon request. The data is used by station licensee to minimize the potential for interference to other stations and by FCC staff in field investigations to identify sources of interference.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01-8041 Filed 3-30-01; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

March 23, 2001.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418-1379.

Federal Communications Commission

OMB Control No.: 3060-0787.

Expiration Date: 09/30/2001.

Title: Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance.

Form No.: FCC Form 478.

Respondents: Business or other for-profit.

Estimated Annual Burden: 28,676 respondents; 4.71 hours per response (avg.); 135,126 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$0.

Frequency of Response: On occasion; Semi-annually; Third Party Disclosure; Recordkeeping.

Description: Section 258 of the Communications Act of 1934 (Act), as amended by the Telecommunications Act of 1996, makes it unlawful for any telecommunications carrier to "submit or execute a change in a subscriber's selection of a provider of telecommunications exchange service or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe." The Section further provides that any telecommunications carrier that violates such verification procedures and that collects charges for telephone exchange service or telephone toll service from a subscriber, shall be liable to the carrier previously selected by the

subscriber in an amount equal to all charges paid by the subscriber after such violation. In the Second Report and Order and Further Notice of Proposed Rulemaking (section 258 Order) issued in CC Docket No. 94–129, the Commission adopted rules to implement section 258 of the Communications Act of 1934 (Act), as amended by the Telecommunications Act of 1996 (1996 Act). The goal of section 258 is to eliminate the practice of “slamming,” which is the unauthorized change of a subscriber’s preferred carrier. In the Section 258 Order, the Commission adopted various rules addressing verification of preferred carrier changes and preferred carrier freezes. The Commission also adopted liability rules designed to take the profit out of slamming. In the First Order on Reconsideration (Order), released May 3, 2000, the Commission amended certain of its liability rules by requiring slamming disputes between consumers and carriers to be brought before appropriate state commissions, or this Commission in cases where the state has not opted to administer our rules, rather than to authorized carriers. The Order also modified the liability rules that apply when a consumer has paid charges to a slamming carrier. The Order set forth certain notification requirements to facilitate carriers’ compliance with the liability rules. The Commission issued a Third Report and Order and Second Order on Reconsideration in CC Docket No. 94–129, released August 15, 2000 and an Order released February 22, 2001. The modifications and additions adopted these Orders will improve the carrier change process for consumers and carriers, while making it more difficult for unscrupulous carriers to perpetrate slams. Following is a synopsis of the requirements approved by OMB. See above-mentioned Orders and 47 CFR Parts 1 and 64 for complete details. *a. Section 64.1110, State Notification of Election to Administer FCC Rules.* Pursuant to section 64.1110(a), state notification of an intention to administer the Federal Communication Commission’s unauthorized carrier change rules and remedies shall be filed with the Commission Secretary in CC Docket No. 94–129 with a copy of such notification provided to the Consumer Information Bureau Chief. Such notification shall contain, at a minimum, information on where consumers should file complaints, the type of documentation, if any, that must accompany a complaint, and the procedures the state will use to adjudicate complaints. Pursuant to section 64.1110(b), state

notification of an intention to discontinue administering the Federal Communication Commission’s unauthorized carrier change rules and remedies shall be filed with the Commission Secretary in CC Docket No. 94–129 with a copy of such amended notification provided to the Consumer Information Bureau Chief. Such discontinuance shall become effective 60 days after the Commission’s receipt of the state’s letter. (*No. of respondents: 51; hours per response: 2 hours; total annual burden: 102 hours*). *b. Section 64.1120, Verification of Orders for Telecommunications Carriers.* A carrier must retain verification records for two years after their creation. Pursuant to section 64.1120 no telecommunications carrier shall submit a preferred carrier charge order unless and until the order has first been confirmed. Telecommunications carriers may obtain the subscriber’s written authorization as required by section 64.1130 or an electronic authorization, or an oral authorization through a qualified independent third party. (*Number of respondents: 1800; hours per response: 1.5 hours; total annual burden: 2700 hours*). *c. Section 64.1130, Letter of Agency Form and Content.* Pursuant to section 64.1130, a telecommunications carrier may use a written or electronically signed letter of agency to obtain authorization and/or verification of a subscriber’s request to change his or her preferred carrier selection. A letter of agency that does not conform to this section is invalid for purposes of this part. The letter of agency shall be a separate document (or easily separable document) or located on a separate screen or webpage containing only the authorizing language described in 64.1130(e) having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency must be signed and dated by the subscriber to the telephone lines requesting the preferred carrier change. The letter of agency shall not be combined on the same document, screen, or webpage with inducements of any kind. The letter of agency must contain language that confirms that the subscriber may consult with the carrier as to whether a fee will apply to the change in the subscriber’s preferred carrier. A letter of agency submitted with an electronically signed authorization must include the consumer disclosures required by section 101(c) of Electronic Signatures in Global and National Commerce Act. A carrier shall submit a preferred carrier change order on behalf of a subscriber

within no more than 60 days of obtaining a written or electronically signed letter of agency. (*No. of respondents: 1800; hours per response: 3 hours; total annual burden: 5500 hours*). *d. Section 64.1140, Carrier Liability for Slamming.* Pursuant to Section 64.1140(a), any submitting telecommunications carrier that fails to comply with the procedures prescribed in this part shall be liable to the subscriber’s properly authorized carrier in an amount equal to 150% of all charges paid to the submitting telecommunications carrier by such subscriber after such violation, as well as for additional amounts as prescribed in § 64.1170 of Part 64. Pursuant to section 64.1140(b), any subscriber whose selection of telecommunications service provider is changed without authorization or verification in accordance with the procedures set for 47 CFR 64.1140 will be liable for charges. (*No. of respondents 1910; hours per response: 2 hours; total annual burden: 3820 hours*). *e. Section 64.1150, Procedures For Resolution of Unauthorized Changes in Preferred Carrier—*Pursuant to section 64.1150(a), executing carriers who are informed of an unauthorized carrier change by a subscriber must immediately notify both the authorized and allegedly unauthorized carrier of the incident. This notification must include the identity of both carriers. Pursuant to Section 64.1150(b), any carrier, executing, authorized, or allegedly unauthorized, that is informed by a subscriber or an executing carrier of an unauthorized carrier change shall direct that subscriber either to the state commission or, where the state commission has not opted to administer these rules, to the Federal Communications Commission’s Consumer Information Bureau, for resolution of the complaint. Pursuant to section 64.1150(c), upon receipt of an unauthorized carrier change complaint, the relevant governmental agency will notify the allegedly unauthorized carrier of the complaint and order that the carrier removes all unpaid charges from the subscriber’s bill pending a determination of whether an unauthorized change, as defined by § 64.1100(e), has occurred, if it has not already done so. Pursuant to section 64.1150(d), not more than 30 days after notification of the complaint, or such lesser time as is required by the state commission if a matter is brought before a state commission, the alleged unauthorized carrier shall provide to the relevant government agency a copy of any valid proof of verification of the carrier change. Failure by the carrier to

respond or provide proof of verification will be presumed to be clear and convincing evidence of a violation. Pursuant to section 64.1150(e), the Federal Communications Commission will not adjudicate a complaint filed pursuant to § 1.719 or §§ 1.720–736, involving an alleged unauthorized change, as defined by § 64.1100(e) of this part, while a complaint based on the same set of facts is pending with a state commission. (*No. of respondents: 1960; hours per response: 8 hours; total annual hours: 9800 hours*).

f. Section 64.1160, Absolution

Procedures Where the Subscriber Has Not Paid—Pursuant to section

64.1160(a), this section shall only apply after a subscriber has determined that an unauthorized change, as defined by § 64.1100(e) of this part, has occurred and the subscriber has not paid charges to the allegedly unauthorized carrier for service provided for 30 days, or a portion thereof, after the unauthorized change occurred. Pursuant to section 64.1160(b), an allegedly unauthorized carrier shall remove all charges incurred for service provided during the first 30 days after the alleged unauthorized change occurred, as defined by § 64.1100(e) of this part, from a subscriber's bill upon notification that such unauthorized change is alleged to have occurred. Pursuant to Section 64.1160(c), an allegedly unauthorized carrier may challenge a subscriber's allegation that an unauthorized change, as defined by § 64.1100(e) of this part, occurred. An allegedly unauthorized carrier choosing to challenge such allegation shall immediately notify the complaining subscriber that: (1) The complaining subscriber must file a complaint with a state commission that has opted to administer the FCC's rules, pursuant to § 64.1110 of this part, or the FCC within 30 days of either (i) the date of removal of charges from the complaining subscriber's bill in accordance with paragraph (b) of this section or (ii) the date the allegedly unauthorized carrier notifies the complaining subscriber of the requirements of this paragraph, whichever is later; and (2) a failure to file such a complaint within this 30-day time period will result in the charges removed being reinstated on the subscriber's bill and, consequently, the complaining subscribers will only be entitled to remedies for the alleged unauthorized change other than those provided for in § 64.1140(b)(1) of this part. No allegedly unauthorized carrier shall reinstate charges to a subscriber's bill pursuant to the provisions of this paragraph without first providing such

subscriber with a reasonable opportunity to demonstrate that the requisite complaint was timely filed within the 30-day period described in this paragraph. Pursuant to section 64.1160(d), if the relevant governmental agency determines after reasonable investigation that an unauthorized change, as defined by § 64.1100(e) of this part, has occurred, an order shall be issued providing that the subscriber is entitled to absolution from the charges incurred during the first 30 days after the unauthorized carrier change occurred, and neither the authorized or unauthorized carrier may pursue any collection against the subscriber for those charges. Pursuant to section 64.1160(e), if the subscriber has incurred charges for more than 30 days after the unauthorized carrier change, the unauthorized carrier must forward the billing information for such services to the authorized carrier. Pursuant to section 64.1160(f), if the unauthorized carrier received payment from the subscriber for services provided after the first 30 days after the unauthorized change occurred, the obligations for payments and refunds provided for in § 64.1160 of this part shall apply to those payments. Pursuant to section 64.1160(g), if the relevant governmental agency determines after reasonable investigation that the carrier change was authorized, the carrier may re-bill the subscriber for charges incurred. (*No. of respondents: 1960; hours per response: 8 hours; total annual burden: 15,680*). *g. Section 64.1170, Reimbursement*
Procedures Where the Subscriber Has Paid. Pursuant to section 64.1170(a), the procedures set forth in section 64.1170 shall apply only after a subscriber has determined that an unauthorized change, as defined by section 64.1100(e) of our rules, has occurred and the subscriber has paid charges to an allegedly unauthorized carrier. Pursuant to section 64.1170(b), if the relevant governmental agency determines after reasonable investigation that an unauthorized change, as defined by § 64.1100(e) of this part, has occurred, it shall issue an order directing the unauthorized carrier to forward to the authorized carrier the following, in addition to any appropriate state remedies, an amount equal to 150% of all charges paid by the subscriber to the unauthorized carrier; and copies of any telephone bills issued from the unauthorized carrier to the subscriber. Pursuant to section 64.1170(c), within ten days of receipt of the amount provided for in paragraph (b)(1) of this section, the authorized carrier shall provide a refund or credit to the

subscriber in the amount of 50% of all charges paid by the subscriber to the unauthorized carrier. The subscriber has the option of asking the authorized carrier to re-rate the unauthorized carrier's charges based on the rates of the authorized carrier and, on behalf of the subscriber, seek an additional refund from the unauthorized carrier, to the extent that the re-rated amount exceeds the 50% of all charges paid by the subscriber to the unauthorized carrier. The authorized carrier shall also send notice to the relevant governmental agency that it has given a refund or credit to the subscriber. Pursuant to section 64.1170(d), if an authorized carrier incurs billing and collection expenses in collecting charges from the unauthorized carrier, the unauthorized carrier shall reimburse the authorized carrier for reasonable expenses. Pursuant to section 64.1170(e), if the authorized carrier has not received payment from the unauthorized carrier as required by paragraph (c) of this section, the authorized carrier is not required to provide any refund or credit to the subscriber. The authorized carrier must, within 45 days of receiving an order as described in paragraph (b) of this section, inform the subscriber and the relevant governmental agency that issued the order if the unauthorized carrier has failed to forward to it the appropriate charges, and also inform the subscriber of his or her right to pursue a claim against the unauthorized carrier for a refund of all charges paid to the unauthorized carrier. Pursuant to section 64.1170(f), where possible, the properly authorized carrier must reinstate the subscriber in any premium program in which that subscriber was enrolled prior to the unauthorized change, if the subscriber's participation in that program was terminated because of the unauthorized change. If the subscriber has paid charges to the unauthorized carrier, the properly authorized carrier shall also provide or restore to the subscriber any premiums to which the subscriber would have been entitled had the unauthorized change not occurred. The authorized carrier must comply with the requirements of this section regardless of whether it is able to recover from the unauthorized carrier any charges that were paid by the subscriber. (*No. of respondents: 1960; hours per response: 7 hours; total annual burden: 13,720 hours*).

h. Section 64.1180, Reporting

Requirement. Pursuant to section 64.1180, each provider of telephone exchange and/or telephone toll service shall submit to the Commission via

e-mail (slamming 478@fcc.gov), U.S. Mail, or facsimile a slamming complaint report form identifying the number of slamming complaints received during the reporting period and other information as specified in 64.1180(b). Reporting shall commence August 15, 2001. Carriers are required to complete and file a copy of the FCC Form 478. Copies of the form may be downloaded from the Commission's forms webpage (www.fcc.gov/formpage.html). Carriers are encouraged to maintain all records regarding slamming complaints for at least 24 months from the date on which they receive written, electronic, or oral contact by a consumer alleging that an unauthorized change in his/her preferred carrier was made by the carrier or by another carrier. (No. of respondents: 1850; hours per response: 7 hours per submission; 14 hours; total annual burden: 25,900 hours).

i. *Section 64.1190, Preferred Carrier Freezes.* Section 64.1190 requires that all local exchange carriers that impose preferred carrier freezes on their subscribers' accounts must verify such freezes, as well as accept subscriber requests to lift such freezes in writing or by three-way calls. (No. of respondents: 1800; hours per response: 2 hours; total annual burden: 3600 hours).

j. *Section 1.719, Informal Complaints Filed Pursuant to Section 258*—Section 1.719 applies to complaints alleging that a carrier has violated section 258 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, by making an unauthorized change of a subscriber's preferred carrier, as defined by § 64.1100(e). Pursuant to section 1.719(b), the complaint shall be in writing, and should contain: (1) The complainant's name, address, telephone number and e-mail address (if the complainant has one); (2) the name of both the allegedly unauthorized carrier, as defined by § 64.1100(d), and authorized carrier, as defined by § 64.1100(c); (3) a complete statement of the facts (including any documentation) tending to show that such carrier engaged in an unauthorized change of the subscriber's preferred carrier; (4) a statement of whether the complainant has paid any disputed charges to the allegedly unauthorized carrier; and (5) the specific relief sought. If the complainant is unsatisfied with the resolution of a complaint under this section, the complainant may file a formal complaint with the Commission in the form specified in § 1.721 of this part. (No. of respondents: 13,200; hours per response: 4 hours; total annual burden: 52,800 hours).

k. *Voluntary Reporting Requirement.* States that choose to administer the

Commission's slamming rules must regularly file information with the Commission that details slamming activity in their regions. Such filings should identify the number of slamming complaints handled, including data on the number of valid complaints per carrier; the identity of top slamming carriers; slamming trends; and other relevant information. See paragraph 34 of the Order. (Number of respondents: 51; hours per response: 10 hours; total annual burden: 510 hours). The information from these collections will be used to implement section 258 of the Act. The information will strengthen the ability of our rules to deter slamming, while addressing concerns raised with respect to our previous administrative procedures. The information will also enable us to give victims of slamming adequate redress and ensure that carriers that slam do not profit from their fraud. The information will help to protect consumers from carriers who may attempt to take advantage of consumer confusion over different types of telecommunications services. The information gathered in response to the reporting requirement will enable the Commission to identify, as soon as possible, the carriers that repeatedly initiate unauthorized changes. Obligation to respond: Required to obtain or retain benefits.

Public reporting burden for the collection of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01-8040 Filed 3-30-01; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Tentative Programmatic Agreement With Respect to Co-Locating Wireless Antennas on Existing Structures

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this public notice, we announce the issuance of a Nationwide Programmatic Agreement (Programmatic Agreement), attached as Appendix A, that streamlines procedures for review of collocations of antennas under the National Historic Preservation Act

(NHPA). This Nationwide Programmatic Agreement has been executed by the Federal Communications Commission, the National Conference of State Historic Preservation Officers, and the Advisory Council on Historic Preservation.

FOR FURTHER INFORMATION CONTACT: Joel Taubenblatt, Wireless Telecommunications Bureau, at (202) 418-7240.

SUPPLEMENTARY INFORMATION: The Wireless Telecommunications Bureau previously sought public comment on a previous draft of this Programmatic Agreement by *Public Notice* released December 26, 2000. See Wireless Telecommunications Bureau Seeks Comment on a Draft Programmatic Agreement with Respect to Co-Locating Wireless Antennas on Existing Structure, *Public Notice*, DA 00-2901 (rel. Dec. 26, 2000), 66 FR 795 (Jan. 4, 2001). The executing parties have considered all comments received in response to the *Public Notice*, and have made several changes to the draft agreement in response to these comments.

This is a summary of the *Public Notice* which includes the full text of the finalized and agreed upon version of the Programmatic Agreement. See Wireless Telecommunications Bureau Announces Execution of Programmatic Agreement with Respect to Collocating Wireless Antennas on Existing Structures, *Public Notice*, DA 01-691 (rel. March 16, 2001). The *Public Notice* (including the Programmatic Agreement) is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, SW., Washington DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington DC. 20036, (202) 857-3800. The document is also available via the internet at: <http://www.fcc.gov/wtb/siting>.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Appendix A to the Public Notice

Nationwide Programmatic Agreement for the Collocation of Wireless Antennas

Executed by

The Federal Communications Commission, The National Conference of State Historic Preservation Officers and The Advisory Council on Historic Preservation

Whereas, the Federal Communications Commission (FCC) establishes rules and procedures for the licensing of wireless