

Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at [qualexint@aol.com](mailto:qualexint@aol.com).

#### Synopsis of Order

1. Effective upon publication in the **Federal Register** and until further notice, we waive our rules as follows. First, requests for review filed pursuant to §§ 54.719 through 54.725, 47 CFR 54.719 through 54.725, and any applications for review arising from such proceedings shall be filed within 60 days of the issuance of the decision being reviewed. This 60-day period will be applicable to all such pleadings that were required to be filed on or after September 12, 2001 and were received by the Commission on or after September 12, 2001. Second, parties filing requests for review, or petitions for reconsideration or applications for review of decisions on requests for review, may, at their option, file their pleadings electronically, either by electronic mail or facsimile.

2. If filed by electronic mail, pleadings shall be filed at the following e-mail address: [CCBSecretary@fcc.gov](mailto:CCBSecretary@fcc.gov). Documents filed via electronic mail may be submitted in Adobe Portable Document Format (PDF), Word, WordPerfect, or any other widely used word processing format. The Commission will automatically reply to all incoming e-mails to confirm receipt. If filed by facsimile, pleadings shall be faxed to 202-418-0187. The fax transmission should include a cover sheet listing contact name, phone number, and, if available, an e-mail address. Pleadings submitted by electronic mail will be considered filed on a business day if they are received at the Commission on that day at any time up to 12 a.m. Pleadings received after that time will be considered received on the next business day. Similarly, facsimile transmissions will be considered filed on a business day if the complete transmission is received by any time up to 12 a.m.

3. We further provide that pleadings of the type described in paragraph 1 above that were due on or after September 12, 2001 and that were submitted by non-electronic means between September 12, 2001 and the effective date of this order may be refiled electronically within 30 days of the effective date of this order in accordance with the procedures specified in the preceding paragraph. Pleadings filed electronically pursuant to this paragraph shall be accompanied by a signed affidavit or a declaration pursuant to Commission rule § 1.16 stating that the previously filed pleading was timely filed, and providing the date

the pleading was originally mailed to the Commission, and by what means. For this purpose only, the original pleading will be considered filed as of the date that it was mailed.

4. Accordingly, *it is ordered* that, pursuant to the authority of sections 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i), the Commission ADOPTS the procedural requirements set forth in this order and waives any contrary requirements.

5. *It is further ordered* that the waiver shall become effective upon publication in the **Federal Register**.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. 02-873 Filed 1-24-02; 8:45 am]

BILLING CODE 6712-01-U

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CC Docket No. 92-105, WT Docket No. 00-110; FCC 01-351]

#### Public Information Collection Approved by Office of Management and Budget

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule, announcement of effective date.

**SUMMARY:** The Federal Communications Commission has received Office of Management and Budget (OMB) approval for the public information collection contained in the Commission's decision regarding the use of N11 codes and other abbreviated emergency dialing arrangements. Therefore, the Commission announces that those regulations containing public information collections, including 47 CFR 64.3002, are effective February 13, 2002.

**DATES:** Section 64.3002, published at 67 FR 1649, January 14, 2002, is effective February 13, 2002.

**FOR FURTHER INFORMATION CONTACT:** David Siel and Susan Kimmel, 202-418-1310.

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission has received OMB approval for the reporting requirement in its Fifth Report and Order in CC Docket No. 92-105, First Report and Order in WT Docket No. 00-110, and Memorandum Opinion and Order in CC docket No. 92-105, and WT Docket No. 00-110 (known collectively as the Order), which appears at 67 FR 1643, January 14, 2002.

The effective date of the rules and regulations adopted in that decision was published as February 13, 2002, except for § 64.3002, which contains modified information collection requirements that will not be effective until approved by the Office of Management and Budget. Through this document, the Commission announces that it has received this approval (OMB Control No.: 3060-0954, Expiration Date: 06/30/02) and that § 64.3002 and other non-codified requirements adopted in the Order will also be effective on February 13, 2002. Pursuant to the Paperwork Reduction Act of 1995, Public Law 96-511. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to Judy Boley, Federal Communications Commission, (202) 418-0214.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. 02-1693 Filed 1-24-02; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CC Docket No. 96-128; FCC 01-344]

#### The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996

**AGENCY:** Federal Communications Commission.

**ACTION:** Clarification.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) addresses the rules regarding per-call compensation for payphone calls to ensure that payphone service providers (PSPs) are fairly compensated for all completed, coinless calls made from payphones. The Commission addresses the key issues raised in the petitions for declaratory ruling, reconsideration and/or clarification, and clarifies, on its own motion, certain aspects of the per-call compensation rules.

**DATES:** Effective February 25, 2002.

**FOR FURTHER INFORMATION CONTACT:** Tania Cho, (202) 418-2320; fax (202)

418-2345; TTY (202) 418-0484; email at [tcho@fcc.gov](mailto:tcho@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Third Order on Reconsideration and Order on Clarification* in CC Docket No. 96-128, FCC 01-344, adopted and released on November 21, 2001. The full text of the item is available for inspection and copying during the hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554, or copies may be purchased from the Commission's duplicating contractor, Qualex International, 445 12th Street, SW., Suite CY-B402, Washington, DC 20554, phone (202) 863-2893. This Order contains no new or modified information collection subject to the Paperwork Reduction Act of 1995, Public Law 104-13.

### Synopsis of the Third Order on Reconsideration and Order on Clarification

To implement Section 276 of the Telecommunications Act of 1996, the Commission has adopted several rules that define the relationship between PSPs and carriers in the call path in order to ensure that PSPs are adequately compensated for calls placed from payphones. In the *First Payphone Order*, 61 FR 52309, October 7, 1996, the Commission concluded that the interexchange carrier (IXC), as the primary beneficiary of payphone calls, should compensate the PSP. The Commission also recognized that a reseller lacking its own facilities does not have the ability to track calls, and that the facilities-based carrier should therefore pay compensation to the PSP. A requirement to track, or arrange for tracking of, compensable calls was also established for the underlying IXC, and the IXC was permitted to recover the cost of such tracking from the reseller. In the *Payphone Order on Reconsideration*, 61 FR 65341, December 12, 1996, the Commission modified its rules to provide that switch-based resellers (SBRs) are responsible for paying compensation directly to PSPs. In the *Coding Digit Waiver Order*, 63 FR 26497, May 13, 1998, the Common Carrier Bureau responded to PSP complaints that IXCs refused to identify SBRs by clarifying that when SBRs identified themselves to the first facilities-based IXC as responsible for paying compensation, the IXC was obligated to provide this information to the PSP.

On April 5, 2001, the Commission released the *Second Order on Reconsideration*, 66 FR 21105, April 27,

2001, which modified the payphone compensation rules. The modified rules provided that the first facilities-based IXC to which a LEC routes a coinless payphone call must (1) Compensate the PSP for the completed call; (2) track or arrange for tracking of all compensable calls; and (3) send to the PSP call completion information to enable the PSP to verify the accuracy of compensation it receives for coinless, compensable calls and/or to bill the underlying facilities-based carrier. The first IXC may then seek reimbursement from the switchless or switch-based reseller ultimately responsible for the compensation.

In this *Third Order on Reconsideration and Order on Clarification*, we decline to modify the rules as established in the *Second Order on Reconsideration*. We also reaffirm that, for purposes of payphone compensation, only calls that are answered by the called party are "completed" and thus compensable. Further, we clarify that the Commission supports the preservation and establishment of direct relationships and agreements between PSPs and SBRs for tracking and payment of payphone compensation, and that the liability of the first facilities-based IXC is limited to the extent that SBRs enter into such direct relationships. We also reiterate that the Commission did not, by revising the payphone compensation rules, intend to nullify any current or future contractual arrangements. Finally, we clarify that carriers are only required to report to PSPs calls that are completed, and thus compensable.

### Ordering Clause

Pursuant to the authority contained in Sections 1, 4(i), 4(j), and 276 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), and 276, the Bulletins Petition for Clarification is denied to the extent described herein; WorldCom, Inc. Petition for Declaratory Ruling and Petition for Reconsideration is granted in part and denied in part to the extent described herein; AT&T Petition for Clarification and/or Reconsideration is denied to the extent described herein; and Global Crossing Telecommunications, Inc. Petition for Reconsideration and Clarification is denied, to the extent described herein.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 02-1810 Filed 1-24-02; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 98-203; FCC 01-306]

RIN 4213

### The Ancillary or Supplementary Use of Digital Television Capacity by Noncommercial Licensees

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** This document announces the effective date of the Commission's amended rules to require that noncommercial educational ("NCE") television licensees provide a nonprofit, noncommercial educational service. We hope that this clarifies the manner in which NCE licensees may use their excess DTV capacity for remunerative purposes.

**DATES:** Sections 73.621(i); 73.624(g) introductory text and (g)(2)(ii); 73.642(a), (b) and (e); and 73.644(a) became effective on December 26, 2001. Section 73.624(g)(2)(i) is not yet effective. The Commission will release a document in the **Federal Register** announcing the effective date of this section.

**FOR FURTHER INFORMATION CONTACT:** Jane Gross, Policy and Rules Division, Mass Media Bureau (202) 418-2130, or [jgross@fcc.gov](mailto:jgross@fcc.gov).

**SUPPLEMENTARY INFORMATION:** 1. On October 17, 2001, the Commission released Report & Order ("R&O") clarifying the manner in which noncommercial educational ("NCE") television licensees may use their excess digital television ("DTV") capacity for remunerative purposes. In the Matter of Ancillary or Supplementary Use of Digital Television Capacity by Noncommercial Licensees, MM Docket No. 98-203, 66 FR 58973 (November 26, 2001). Among other things, the Commission amended § 73.621 of its rules to apply to the entire digital bitstream, including ancillary or supplementary services, thereby requiring NCE licensees to use their digital capacity primarily for a noncommercial, nonprofit, educational broadcast service. The Commission also amended §§ 73.642 (a), (b), (e) and § 73.644(a) of its rules to clarify that NCE licenses may offer subscription services on their excess digital capacity. When it amended these rules, the Commission ordered that the amended rules would "be effective the later of