

comment on whether certain classes of proceedings (e.g., rulemakings or other non-adjudicatory proceedings not involving specific parties) should be subject to the rule only when deceptive intent is involved and whether persons or entities that are not regulated by the Commission should be subject to the rule only when deceptive intent is involved.

#### Initial Regulatory Flexibility Certification

4. The Regulatory Flexibility Act of 1980, as amended (see 5 U.S.C. 601 *et seq.*)<sup>2</sup> requires an initial regulatory flexibility analysis in a notice and comment rulemaking proceeding unless we certify that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.” 5 U.S.C. 605(b). We believe that the rule we propose today will not have a significant economic impact on a substantial number of small entities.

5. In proposing to expand the scope of 47 CFR 1.17, we are merely requiring persons dealing with the Commission to submit accurate information. The proposed revised rule thus would not impose any significant compliance burden on persons dealing with the Commission, including small entities, or otherwise affect the rights of persons participating in Commission proceedings. The revised rule would simply enable the Commission to impose sanctions more effectively in those instances where people intentionally or negligently submit incorrect information. There is thus no reason to believe that operation of the revised rule would impose significant costs on parties to Commission proceedings.

6. Accordingly, we certify that the rule as proposed will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). The Commission shall send a copy of this Notice of Proposed Rulemaking, including this certification, to the Chief Counsel for Advocacy of the SBA. 5 U.S.C. 605(b). A copy of this certification will also be published in the **Federal Register**. *Id.*

7. This Notice is *Hereby given* of the proposed regulatory changes described above, and that *Comment is Sought* on these proposals.

8. Pursuant to §§ 1.415 and 1.419 of the Commission’s rules, 47 CFR 1.415,

1.419, interested persons *May file* comments on or before April 8, 2002 and reply comments on or before April 22, 2002. Comments may be filed using the Commission’s Electronic Comment Filing System or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24,121 (1998). To file by paper, commenters must file an original and four copies of all comments, reply comments, and supporting comments. If commenters want each Commissioner to receive a personal copy of their comments, they must file an original plus nine copies. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition, commenters should file a copy of any such pleadings with the Office of General Counsel, Portals II, 445 12th Street, SW, Room 8–C723, Washington, DC 20554.

9. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC 20554. Copies of filings may be purchased from the Commission’s copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898. Filings may also be viewed on the Commission’s Internet web site using the Electronic Document Filing System (ECFS) at <http://gulfoss2.fcc.gov/prod/ecfs/comsrch—v2.cgi>. Alternative formats (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 voice, (202) 418–7365 TTY, or [bmillin@fcc.gov](mailto:bmillin@fcc.gov). This NPRM can also be downloaded in Word or ASCII formats at <http://www.fcc.gov/ccb/cpd>.

10. The Commission’s Consumer Information 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.

#### List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Radio, Telecommunications, Television.

Federal Communications Commission.

**William F. Caton,**  
*Acting Secretary.*

#### Rule Changes

For the reasons discussed in the preamble, part 1 of title 47 of the Code of Federal Regulations is proposed to be amended as follows:

#### PART 1—PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

**Authority:** 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309, and 325(e).

2. Section 1.17 is revised to read as follows:

#### § 1.17 Truthful and accurate statements to the Commission.

(a) The Commission or its representatives may, in writing, require written statements of fact relevant to the determination of any matter within the jurisdiction of the Commission.

(b) No person shall, in any written or oral statement of fact submitted to the Commission, intentionally or negligently provide incorrect material information or intentionally or negligently omit any material information bearing on any matter within the jurisdiction of the Commission.

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#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 51

[CC Docket No. 98–147; DA 02–506]

#### Update and Refresh Record on Rules Adopted in 1998 Advanced Services Docket

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document invites comment on the advisability of eliminating, repealing, or amending specific language in the Commission’s rules on standards for physical collocation and virtual location. The Commission is taking this action in response to a request by Verizon that the Commission clarify that this rule does not preclude an incumbent LEC from installing a point of termination bay (POT bay) at the point where an incumbent LEC’s facilities terminate and a collocator’s facilities begin.

<sup>2</sup> See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

**DATES:** Comments are due March 25, 2002 and reply comments are due April 2, 2002.

**FOR FURTHER INFORMATION CONTACT:** John Adams, Attorney Advisor, Janice Myles, Policy and Program Planning Division, Common Carrier Bureau, (202) 418-1580.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document regarding CC Docket No. 98-147, released on March 4, 2002. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, and also may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402 Washington, DC, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail [qualex@aol.com](mailto:qualex@aol.com). It is also available on the Commission's website at <http://www.fcc.gov>.

### Synopsis

In the *Advanced Services First Report and Order*, the Commission adopted rule 51.323(k)(2), which provides, in pertinent part, that "[a]n incumbent LEC may not require competitors to use an intermediate interconnection arrangement in lieu of direct connection to the incumbent's network if technically feasible." Verizon requests that the Commission clarify that this rule does not preclude an incumbent LEC from installing a POT bay at the point where an incumbent LEC's facilities terminate and a collocater's facilities begin. In order to ensure a complete record regarding this area, the Commission is issuing this Public Notice and inviting comment on whether the Commission should amend or repeal the portion of rule 51.323(k)(2) quoted above. The Commission requests that commenters explain in detail why retention, amendment, or repeal of this rule to allow incumbent LECs to use POT bays when provisioning interconnection would address their concerns.

Federal Communications Commission.

**Michelle M. Carey,**

Chief, Policy and Program Planning Division,  
Common Carrier Bureau.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 73 and 76

[MM Docket No. 98-204, DA 02-400]

### Revision of Broadcast and Cable EEO Rules and Policies

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment and reply comment period.

**SUMMARY:** In this document, the Mass Media Bureau (Bureau) partially grants a motion for procedural relief filed by the Minority Media and Telecommunications Council (MMTC) related to proposed rules on new broadcast and cable Equal Employment Opportunity rules and policies. The intended effect is to grant an extension of the comment and reply comments filing deadline and to clarify that the Commission will consider comments previously filed in this docket.

**DATES:** Comments are due April 15, 2002, and reply comments due May 15, 2002.

**ADDRESSES:** Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Lewis Pulley, EEO Staff, Mass Media Bureau. (202) 418-1450.

**SUPPLEMENTARY INFORMATION:** 1. This is a synopsis of the Mass Media Bureau's *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, DA 02-400, released February 22, 2002. On December 21, 2001, the Commission released a *Second Notice of Proposed Rule Making*, MM Docket No. 98-204, 67 FR 1704 (January 14, 2002) (*Second NPRM*) requesting comment on various proposals concerning the Commission's broadcast and cable EEO rules and policies. Comment and reply comment deadlines were established for March 15, 2002, and April 15, 2002, respectively.

2. On January 29, 2002, MMTC filed a Motion for Procedural Relief requesting: an extension of time for the filing dates for comments and reply comments; a draft of specified proposed rules; and a clarification that comments filed in the docket prior to the *Second NPRM* will be treated as part of the continuing record in this proceeding.

3. MMTC requests that the Commission extend the comment and

reply comment deadlines to April 28, 2002, and May 28, 2002, respectively. Because the Bureau believes that the public interest would be served by an extension of the comment period in this proceeding, we partially grant MMTC's request and extend the date for filing comments to April 15, 2002, and extend the date for filing reply comments to May 15, 2002.

4. The Bureau denies MMTC's request that we issue a draft of specific proposed rules. In releasing the *Second NPRM*, the Commission complied with § 1.413(c) of the Commission's rules, 47 CFR 1.413(c), which indicates that a notice of proposed rule making shall contain "[e]ither the terms or substance of the proposed rule or a description of the subjects and issues involved." Further, MMTC's request conflicts with the Commission's intent to elicit comprehensive comments in this proceeding without limiting the scope of comments to any specified proposal.

5. The Bureau grants MMTC's request that the Commission consider all material placed in the docket at earlier stages of this proceeding as part of the record in the proceedings held pursuant to the *Second NPRM*. We acknowledge MMTC's concern that parties be able to conserve resources by avoiding the need to refile material they previously submitted to the Commission. The Bureau asks that such parties identify the comments, sections and pages upon which they wish to rely, and that they summarize such material in their comments filed in response to the *Second NPRM*.

6. Accordingly, *It is ordered* that the Motion for Procedural Relief filed by MMTC is granted in part and denied in part.

7. *It is therefore ordered* that the date for filing comments and reply comments in this proceeding is extended to April 15, 2002, and May 15, 2002, respectively.

8. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 303(r), and §§ 0.204(b), 0.283 and 1.46 of the Commission's rules, 47 CFR 0.204(b), 0.283 and 1.46.

Federal Communications Commission.

**Roy J. Stewart,**

Chief, Mass Media Bureau.

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