

identified issues and opportunities.

\* \* \*

\* \* \* \* \*

■ 11. Amend § 1610.4–5 by revising the first sentence to read as follows:

**§ 1610.4–5 Formulation of alternatives.**

At the direction of the Field Manager, in collaboration with any cooperating agencies, BLM will consider all reasonable resource management alternatives and develop several complete alternatives for detailed study. Nonetheless, the decision to designate alternatives for further development and analysis remains the exclusive responsibility of the BLM. \* \* \*

■ 12. Amend § 1610.4–6 by revising the first sentence to read as follows:

**§ 1610.4–6 Estimation of effects of alternatives.**

The Field Manager, in collaboration with any cooperating agencies, will estimate and display the physical, biological, economic, and social effects of implementing each alternative considered in detail. \* \* \*

■ 13. Amend § 1610.4–7 by revising the section heading and revising the first two sentences to read as follows:

**§ 1610.4–7 Selection of preferred alternatives.**

The Field Manager, in collaboration with any cooperating agencies, will evaluate the alternatives, estimate their effects according to the planning criteria, and identify a preferred

alternative that best meets Director and State Director guidance. Nonetheless, the decision to select a preferred alternative remains the exclusive responsibility of the BLM. \* \* \*

■ 14. In addition to the amendments set forth above, in 43 CFR part 1600, in the table below, for each section indicated in the left column, remove the title indicated in the middle column from wherever it appears in the section, and add the title indicated in the right column.

**§§ 1601.0–5, 1610.1, 1610.2, 1610.3–1, 1610.3–2, 1610.4–8, 1610.4–9, 1610.5–1, 1610.5–3, 1610.5–5, 1610.5–7, 1610.7–1, and 1610.8 [Amended]**

| Section        | Remove                           | Add             |
|----------------|----------------------------------|-----------------|
| 1601.0–5 ..... | District and Area Managers ..... | Field Managers. |
| 1610.1 .....   | District and Area Manager .....  | Field Manager.  |
| 1610.2 .....   | District Manager .....           | Field Manager.  |
| 1610.3–1 ..... | District or Area Manager .....   | Field Manager.  |
| 1610.3–2 ..... | District and Area Managers ..... | Field Managers. |
| 1610.4–8 ..... | District Manager .....           | Field Manager.  |
| 1610.4–9 ..... | District Manager .....           | Field Manager.  |
| 1610.5–1 ..... | District Manager .....           | Field Manager.  |
| 1610.5–3 ..... | District and Area Manager .....  | Field Manager.  |
| 1610.5–5 ..... | District Manager .....           | Field Manager.  |
| 1610.5–7 ..... | District and Area Manager .....  | Field Manager.  |
| 1610.7–1 ..... | District Manager .....           | Field Manager.  |
| 1610.8 .....   | District or Area Manager .....   | Field Manager.  |

[FR Doc. 05–5683 Filed 3–18–05; 2:46 pm]

BILLING CODE 4310–84–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CC Docket No. 94–129; FCC 04–214]

#### Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** In this document, the Commission addresses issues raised in petitions for reconsideration regarding the implementation of the subscriber carrier selection changes provisions of the Telecommunications Act of 1996 (1996 Act) which addresses policies and rules concerning unauthorized changes of consumers' long distance carriers.

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

**FOR FURTHER INFORMATION CONTACT:** David Marks or Nancy Stevenson,

Consumer & Governmental Affairs Bureau at (202) 418–2512.

**SUPPLEMENTARY INFORMATION:** On March 17, 2003, the Commission released a *Third Order on Reconsideration* published at 68 FR 19152, April 18, 2003; that amended rules implementing section 258 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996. This is a summary of the Commission's Fifth Order on Reconsideration (*Reconsideration Order*), FCC 04–214, adopted September 3, 2004, and released November 24, 2004, addressing issues raised in petitions for reconsideration of the *Third Order on Reconsideration*.

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, it does not contain any new or modified “information collection burdens for small business concerns with fewer than 25 employees”, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c) (4).

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(Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice) or (202) 418–0432 (TTY). This *Reconsideration Order* can also be downloaded in Word and Portable Document Format (PDF) at <http://www.fcc.gov/cgb/policy/slamming.html>.

#### Synopsis

The Commission's rules implementing section 258 were promulgated through a series of orders. In the *Second Report and Order*, published at 64 FR 7746, February 16, 1999, the Commission sought to eliminate the profits associated with slamming by broadening the scope of its carrier change rules and adopting, among other things, more rigorous slamming liability and carrier change verification measures. When the Commission released the *Second Report and Order*, it recognized that additional revisions to the slamming rules could further improve the preferred carrier change process and prevent unauthorized changes. Therefore, concurrent with the release of the *Second Report and Order*, the Commission issued a Further Notice of

Proposed Rulemaking (*Further Notice*), published at 64 FR 7763, February 16, 1999. In the *Third Report and Order*, the Commission adopted a number of rules proposed in the *Further Notice*, and addressed most issues raised on reconsideration of the *Second Report and Order*. In addition, in the *First Reconsideration Order*, published at 65 FR 47678, August 3, 2000, the Commission amended portions of the rules regarding liability for slamming that had been stayed by the DC Circuit Court. Finally, in the *Third Reconsideration Order*, we addressed remaining petitions for reconsideration of the previous orders, and modified certain rules concerning, amongst other things, verifications of carrier change requests and liability for slamming.

In the *Reconsideration Order*, we addressed petitions filed by a coalition of independent local exchange carriers (LEC Petitioners) seeking reconsideration of the Commission's verification requirement for in-bound carrier change request calls. Additionally, we addressed a petition filed by AT&T seeking clarification of the decision to apply our slamming rules to newly-installed lines. Finally, we addressed a petition filed by WorldCom (MCI) seeking a finding that credits made to the consumer before a slamming complaint has been filed will be considered "unpaid" when calculating liability under the slamming rules, or will be deducted from the amount owed to the authorized carrier by a carrier found liable for a slam.

#### Regulatory Flexibility Act Analysis

In the *Reconsideration Order*, the Commission promulgates no additional final rules, and our present action is, therefore, not subject to the Regulatory Flexibility Act of 1980, as amended.

#### Report to Congress

The Commission will not send a copy of this *Fifth Order on Reconsideration* pursuant to the Congressional Review Act because the *Fifth Order on Reconsideration* neither adopts nor modifies a rule.

#### Ordering Clauses

Pursuant to sections 1, 4(i), 4(j), 201, 206–208, and 258 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201, 206–208, and 258, and §§ 1.421 and 1.429 of the Commission's rules, 47 CFR 1.421 and 1.429, that this *Fifth Order on Reconsideration* in CC Docket No. 94–129 is adopted.

Pursuant to sections 1, 4(i), and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C 151, 154(i), and

154(j), and §§ 1.3, 1.43, and 1.429 of the Commission's rules, 47 CFR 1.3, 1.43, and 1.429, that the petitions for waiver, emergency partial stay, and reconsideration filed by the LEC Petitioners, LEC Commenters, TDS Telecom and the Nebraska LECs are denied.

Pursuant to sections 1, 4(i), and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), and 154(j), and § 1.429 of the Commission's rules, 47 CFR 1.429, that AT&T's petition for reconsideration or clarification is granted to the extent indicated herein.

Pursuant to sections 1, 4(i), and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), and 154(j), and § 1.429 of the Commission's rules, 47 CFR 1.429, that MCI's petition for reconsideration is denied.

The Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *Fifth Order on Reconsideration* to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

**Marlene H. Dortch,**

Secretary.

[FR Doc. 05–5737 Filed 3–22–05; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CC Docket No. 98–67, CG Docket No. 03–123; DA 05–447]

### Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities

**AGENCY:** Federal Communications Commission.

**ACTION:** Clarification.

**SUMMARY:** In this document, the Commission addresses the current waiver of the telecommunications relay services (TRS) requirement that TRS providers (including providers of captioned telephone service) offer three-way calling functionality as a TRS mandatory standard. Also in this document, the Commission clarifies the manner in which TRS providers may comply with this rule; as a result, a waiver of this requirement is no longer necessary.

**DATES:** Effective February 18, 2005.

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

#### FOR FURTHER INFORMATION CONTACT:

Dana Jackson, Consumer & Governmental Affairs Bureau, Disability Rights Office at (202) 418–2247 (voice), (202) 418–7898 (TTY), or e-mail at [Dana.Jackson@fcc.gov](mailto:Dana.Jackson@fcc.gov).

**SUPPLEMENTARY INFORMATION:** On June 17, 2003, the Commission released a *Second Report and Order, Order on Reconsideration (Second Improved TRS Order)*, published at 68 FR 50973, August 25, 2003, CC Docket No. 98–67 and CG Docket No. 03–123; FCC 03–112. In the *Second Improved TRS Order*, the Commission required that TRS providers offer three-way calling as a standard feature of TRS. On February 24, 2004, the Commission released an order waiving the requirement that TRS providers offer three-way calling functionality for one year until February 25, 2005. On November 30, 2004, the Commission released a *Public Notice*, published at 70 FR 2360, January 13, 2005, CC Docket No. 98–67 and CG Docket No. 03–123; DA 04–3709, seeking comment on whether TRS providers (including providers of captioned telephone service) will be able to offer the three-way calling functionality as a TRS mandatory minimum standard as of the February 24, 2005, waiver expiration date, or whether it is necessary to extend this waiver. Also, in that document, the Commission sought comment on whether, instead of a waiver, the requirement might be modified or clarified, and, if so, how. This is a summary of the Commission's document DA 05–447, released February 18, 2005. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4). The Commission will not send a copy of this document pursuant to the Congressional Review Act because the document neither adopts nor modifies a rule, but clarifies an existing rule. See 5 U.S.C. 801(a)(1)(A).

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