

[FR Doc. 99-22319 Filed 8-27-99; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 94-158; FCC 99-171]

Operator Services Providers and Call Aggregators.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules to specify a deadline to update inaccurate information posted on a public phone about the presubscribed provider of long-distance operator services at that location. The FCC acted in further implementation of the dual goals of the Telephone Operator Consumer Services Improvement Act of 1990 ("TOCSIA"). Those are to protect consumers from unfair and deceptive practices relating to their use of operator services to place interstate telephone calls; and to ensure that consumers have the opportunity to make informed choices in making such calls. The FCC concluded that, consistent with its obligations to protect consumers pursuant to that Congressional mandate, it should specify deadlines by which aggregators must provide accurate information to consumers.

DATES: New § 64.703(c) contains information collection requirements that are not effective until approved by the Office of Management and Budget. The FCC will publish a document in the **Federal Register** announcing the effective date for that section.

Written comments by the public on the information collections are due September 29, 1999.

OMB notification of action is due October 29, 1999.

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

Send a copy of any comments that concern information collection requirements for the new rule adopted in CC Docket No. 94-158 to the Office

of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Adrien Auger, 202-418-0960. For additional information concerning the information collections contained in this Report and Order contact Judy Boley at 202-418-0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: 1. The Telephone Operator Consumer Services Improvement Act of 1990 (TOCSIA), codified as Section 226 of the Communications Act of 1934, 47 U.S.C. 226, requires that call aggregators post, on or near a payphone or other aggregator location, the name, address, and toll-free telephone number of the presubscribed provider of long-distance operator services. The FCC implements the Section 226 requirements with its rules at 47 CFR 64.703 *et seq.* Both Section 226(c)(1)(A) of the Communications Act and § 64.703(b) of the Commission's rules require call aggregators to post, on or near a payphone, the name, address, and toll-free telephone number of the presubscribed long-distance provider of operator services. Neither Congress nor the FCC previously has specified a deadline by which to update any change in such information to consumers.

2. In 1995, the Commission sought comment whether it should specify a time by which aggregators must update information posted on or near payphones. 60 FR 8217, Feb. 13, 1995. In 1996, the Commission requested comment on a proposed 30-day deadline that the majority of those who had commented favored. 61 FR 15 020 Apr. 4, 1996.

3. The Commission has revised 47 CFR part 64, in a *Second Report and Order* released July 19, 1999, in CC Docket No. 94-158. The revised rule provides greater certainty to aggregators and presubscribed providers of operator services at aggregator locations with regard to their obligations under Section 226 of the Communications Act. The Commission's purpose in adopting the new rule is to protect consumers, ensure their opportunity to make informed choices when placing calls from public phones, enable them to choose a long-distance carrier of their choice, and thus

further greater price and service competition in the marketplace.

4. This Report and Order contains new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other federal agencies are invited to comment on the new or modified information collections contained in this proceeding. This is a synopsis of the new information collection requirement. Section 64.703(c) requires that information that call aggregators must post on or near payphones, pursuant to Section 226 of the Communication Act of 1934, as amended, 47 U.S.C. 226, be updated as soon as practicable, but no later than 30 days from the time of a change of the presubscribed provider of operator services.

Paperwork Reduction Act: This Report and Order contains either a new or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this Order, as required by the Paperwork Reduction Act of 1995, Public Law No. 104-12. Written comments by the public on the information collections are due September 29, 1999. OMB notification of action is due October 29, 1999. Comments should address: (a) Whether the new or modified collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060-0653.

Title: Consumer Information Posting by Aggregators—§ 64.703(b) and (c).

Form No.: N/A.

Type of Review: Revised collection.

Respondents: Businesses or other for profit.

Section/Title	No. of responses	Est. time per response	Total annual burden
Sections 64.703(b) and (c) 3.67	206,566	56,200

Total Annual Burden: 206,566 burden hours

Estimated Costs Per Respondents: \$0.

Needs and Uses: Section 64.703(c) establishes a 30-day outer limit for updating the posted consumer information when an aggregator has changed the presubscribed operator service provider. This modified information collection requirement was a response to widespread failure of aggregators to disclose information necessary for informed consumer choice in the marketplace.

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read:

Authority: 47 U.S.C. 10, 201, 218, 226, 332, unless otherwise noted.

2. Section 64.703 is amended by revising paragraph (c) to read as follows:

§ 64.703 Consumer information.

* * * * *

(c) *Updating of postings.* The posting required by this section shall be updated as soon as practicable following any change of the carrier presubscribed to provide interstate service at an aggregator location, but no later than 30 days following such change. This requirement may be satisfied by applying to a payphone a temporary sticker displaying the required posting information, provided that any such temporary sticker shall be replaced with permanent signage during the next regularly scheduled maintenance visit.

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[FR Doc. 99-22402 Filed 8-27-99; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571 and 575

[Docket No. NHTSA-98-3381, Notice 3]

RIN 2127-AH68

Consumer Information Regulations; Utility Vehicle Label

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final Rule; Response to Petition for Reconsideration.

SUMMARY: On March 9, 1999, we published a final rule modifying the rollover warning currently required for small- and mid-sized utility vehicles. In response to a petition for reconsideration of that final rule, this document amends the utility vehicle and air bag warning label requirements to allow manufacturers to combine the rollover and air bag alert labels in one label, permits manufacturers to comply with either of two options for installing both labels on the same side of the sun visor until September 1, 2000, and allows manufacturers to voluntarily install on the same side of the sunvisor as the air bag label, rollover warning labels in vehicles for which they are not required, such as pickup trucks and large utility vehicles. Today's final rule will provide manufacturers with additional flexibility to determine the location of air bag and rollover warning labels in sport utility vehicles.

DATES: This final rule is effective September 1, 1999, however, voluntary compliance with the final rule is allowed as of August 30, 1999. Petitions for reconsideration must be received by October 14, 1999.

ADDRESSES: Petitions for reconsideration should refer to the docket and notice number of this final rule and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

For labeling issues: Mary Versailles, Office of Planning and Consumer Programs, NPS-31, telephone (202) 366-2057, facsimile (202) 366-4329.

For legal issues: Nicole Fradette, Office of Chief Counsel, NCC-20, telephone (202) 366-2992, facsimile (202) 366-3820.

SUPPLEMENTARY INFORMATION:

I. Background

On March 9, 1999, we published a final rule amending the rollover warning label and owner's manual requirements for small- and mid-sized utility vehicles.¹ (64 FR 11724) The agency explained that the new label and owner's manual requirements will more effectively alert drivers to the risk the vehicles will roll over, the steps they can take to avoid that risk, and the steps they can take to reduce the chance of injury in the event of a rollover. The new label replaced the former text-only format with a format using bright colors, graphics, and short bulleted text messages. The rule requires the label's header to have an alert symbol (a triangle containing an exclamation point) followed by the statement "WARNING: Higher Rollover Risk" in black text on a yellow background. The following three statements must appear below the header in the center of the label: "Avoid Abrupt Maneuvers and Excessive Speed," "Always Buckle Up," and "See Owner's Manual For Further Information." The rule specifies that the label must contain two pictograms: one showing a tilting utility vehicle on the left of the label, and the other showing a seated vehicle occupant with a secured three-point belt system on the right. The pictograms and the statement must be in black on a white background. The rule requires the label to be placed on either the driver's sun visor or the driver's side window. If the label is placed on the back of the driver's sun visor, the rule requires an alert label to be placed on the front of the visor urging the person to flip the visor over and read the information on the other side. The new label is required on utility vehicles with a wheelbase of 110 inches or less. The rule also requires additional information on rollover be included in the owner's manuals of these vehicles. The new requirements are effective September 1, 1999.

On April 26, 1999, we published a notice clarifying that manufacturers of utility vehicles with a wheelbase of 110 inches or less may comply with the upgraded requirements in advance of the September 1, 1999, mandatory compliance date. (64 FR 20209) We explained that any manufacturer choosing to comply with the new rule before September 1, 1999, must comply with the new rule in its entirety (i.e., they must comply with the new owners'

¹ "Utility vehicles" are defined in 49 CFR Part 575 as multipurpose passenger vehicles (other than those which are passenger car derivatives) with a wheelbase of 110 inches or less and with special features for off-road operation. 49 CFR Part 575.105. These vehicles are commonly referred to as sport utility vehicles in the media.