

adopt the state rate as its own, subject to the Title II requirements of reasonableness and nondiscrimination as set forth in this order. Parties that wished to challenge such rates on the basis of non-compliance with Title II could do so before the Commission in an enforcement proceeding.

8. The *First Report and Order* also resolves other issues relating to directory publishing. Specifically, the Commission concludes that the language concerning directory publishing "in any format" in section 222(e) of the Act applies to entities that seek subscriber list information to publish telephone directories on the Internet. In addition, because an Internet directory is published when Internet users are able to access it, a directory publisher that requests subscriber list information for purposes of placing it on the Internet is seeking that information "for the purpose of publishing a directory" within the meaning of section 222(e). The Commission finds that extending the guarantees of section 222(e) to publishers of telephone directories on the Internet will further enhance competition in the market for directory publishing. In addition, the Commission believes that specific LEC-mandated use restrictions are not necessary to ensure that the interests of LECs are protected. Thus, the Commission concludes that publishers of telephone directories on the Internet should be permitted to use the data for the purpose for which it was purchased and should not be restricted in the manner in which they display or allow customers to access the data.

9. Finally, the Commission finds that the oral provisioning of directory assistance does not constitute "publication" for the purposes of section 222(e), and thus conclude that directory assistance should not be regulated under that section. The Commission also concludes that the statutory differences between directory assistance and directory publishing should continue to be observed. In the future, if directory assistance and directory publishing evolve to resemble one another more closely, the Commission may revisit this issue.

#### Final Regulatory Flexibility Analysis

10. As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rule Making (Notice)* in this docket, CC Docket No. 99-273. The Commission sought written public comment on the proposals in the *Notice*, including comment on the IRFA. No comments on the IRFA were received.

This present Final Regulatory Flexibility Certification (Final Certification) conforms to the RFA.

11. The RFA requires an analysis of any notice-and-comment type rule making if the rule will result in a "significant economic impact" on "a substantial number of small entities." There are four categories of entities that might be affected by the requirements contained in this *First Report and Order*. None of these categories reaches the threshold of a significant economic impact on a substantial number of small entities. First, the requirements adopted herein are expected to have a significant positive economic impact on a substantial number of small competitive directory assistance providers and small directory publishers. Although, the requirements included in this *First Report and Order* do not directly affect these entities, the requirements, once in place, should ensure the ability of these entities to provide services on a competitively neutral basis. Second, the Commission expects these requirements to have a positive economic impact on some CLECs. Many CLECs, both small and large, rely upon small competitive directory assistance providers to outsource their directory assistance services; the requirements contained herein should result in more competition in the directory assistance arena and therefore a savings to these CLECs. Third, these requirements may have an adverse economic impact on incumbent LECs that are Bell Operating Companies (BOCs). Each BOC is a large, national company, affiliated with a Regional Holding Company (RHC). All BOCs and their RHCs have more than 1,500 employees, placing these entities above the small business size standard established by the Small Business Administration. Therefore, although the effect of these requirements may result in a "significant economic impact" to a BOC it will not result in a "significant economic impact" to a small entity. Fourth, the Commission anticipates that any cost incurred as a result of the requirement that small incumbent LECs electronically transfer their directory assistance data will be nominal and will not result in a "significant economic impact" on these small entities. The Commission therefore certifies, pursuant to the RFA, that the requirements adopted in the present *First Report and Order* will not have a significant economic impact on a substantial number of small entities.

#### Report to Congress

12. The Commission will send a copy of this *First Report and Order*, including a copy of this Final Certification, in a

report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the *First Report and Order* and this Final Certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**.

#### Ordering Clauses

13. Pursuant to Sections 1, 3, 4, 201, 222, 251 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 153, 154, 201, 222, and 251, the *First Report and Order* is hereby *Adopted*, and the requirements contained herein will become effective February 21, 2001.

14. The Commission's Consumer Information Bureau, Reference Information Center, *shall send* a copy of this *First Report and Order*, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of Small Business Administration.

15. The Final Regulatory Flexibility Certification for this *First Report and Order*, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 604, is contained herein.

Federal Communications Commission.

Magalie Roman Salas,  
Secretary.

[FR Doc. 01-4213 Filed 2-20-01; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 20 and 24

[DA 01-361]

### Minor Editorial Amendments to the Commercial Mobile Radio Services and Personal Communications Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This action amends two rule sections so that they use the current, rather than previous, names and subpart designations of the Public Mobile Services, and it also amends another rule section in order to revise an erroneous cross-reference.

**DATES:** Effective February 21, 2001.

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

**FOR FURTHER INFORMATION CONTACT:** B.C. "Jay" Jackson, Jr. (202) 418-1309.

**SUPPLEMENTARY INFORMATION:** This Order makes minor, non-substantive revisions to 47 CFR part 20 and 47 CFR

part 24. Specifically, 47 CFR 20.9, paragraphs (a)(6) through (a)(9), and 47 CFR 20.20, paragraph (e) of this section, are amended to use the current names and subpart designations of Public Mobile Services as set forth in 47 CFR part 22. These sections currently refer to these services by previous names and subpart designations. Additionally, 47 CFR 24.133(a) is amended to revise an erroneous reference to another rule section. Currently the rule refers to a “§ 99.132(f)”. However, 47 CFR part 99 no longer exists; the correct reference is to “§ 24.132(f)” (47 CFR 24.132(f)). Because the rule amendments adopted herein are non-substantive, notice and public procedure thereon are found to be unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B), and the required publication may be made less than 30 days prior to the effective date, pursuant to 5 U.S.C. 553(d).

#### List of Subjects

##### 47 CFR Part 20

Radio.

##### 47 CFR Part 24

Reporting and recordkeeping requirements.

Federal Communications Commission.

**Andrew S. Fishel,**  
Managing Director.

#### Rule Changes

For reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 20 and 24 as follows:

#### PART 20—COMMERCIAL MOBILE RADIO SERVICES

1. The authority citation for part 20 continues to read as follows:

**Authority:** 47 U.S.C. 154, 160, 251–254, 303 and 332 unless otherwise noted.

2. Section 20.9 is amended by revising paragraphs (a)(6), (a)(7), (a)(8) and (a)(9) to read as follows:

##### § 20.9 Commercial mobile radio service.

(a) \* \* \*

(6) Paging and Radiotelephone Service (part 22, subpart E of this chapter).

(7) Cellular Radiotelephone Service (part 22, subpart H of this chapter).

(8) Air-Ground Radiotelephone Service (part 22, subpart G of this chapter).

(9) Offshore Radiotelephone Service (part 22, subpart I of this chapter).

\* \* \* \* \*

3. In § 20.20, paragraph (e), in the definition for *Broadband Commercial Radio Service (Broadband CMRS)*,

remove the words “Domestic Public Cellular Radio Telecommunications Service” and add, in their place, the words “Cellular Radiotelephone Service.”

#### PART 24—PERSONAL COMMUNICATIONS SERVICE

4. The authority citation for part 24 continues to read as follows:

**Authority:** 47 U.S.C. 154, 301, 302, 303, 309 and 332.

5. Section 24.133 is amended by revising paragraph (a) introductory text to read as follows:

##### § 24.133 Emission limits.

(a) The power of any emission shall be attenuated below the transmitter power (P), as measured in accordance with § 24.132(f), in accordance with the following schedule:

\* \* \* \* \*

[FR Doc. 01–4210 Filed 2–20–01; 8:45 am]

BILLING CODE 6712–01–U

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 01–274; MM Docket No. 00–73; RM–9861]

#### Radio Broadcasting Services; Hornbrook, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 255A to Hornbrook, California, as that community’s first local aural transmission service in response to a proposal filed on behalf of Logan and Company. See 65 FR 33799, May 25, 2000. This document also holds that two amended applications for Channel 254C1 at Keno, Oregon, cannot be considered in this proceeding because the applicants were not eligible to file an application for Channel 254C1 by the counterproposal deadline in this proceeding. Coordinates used for Channel 255A at Hornbrook, are those of a restricted site located 3.7 kilometers (2.3 miles) southwest of the community at 41–53–06 NL and 122–35–03 WL.

**DATES:** Effective March 26, 2001. A filing window for Channel 255A at Hornbrook, California, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

#### FOR FURTHER INFORMATION CONTACT:

Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s Report and Order, MM Docket No. 00–73, adopted January 24, 2001, and released February 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC’s Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission’s copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### 47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

##### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Hornbrook, Channel 255A.

Federal Communications Commission.

**John A. Karousos,**

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4209 Filed 2–20–01; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

##### Office of the Secretary

##### 49 CFR Part 37

[OST Docket 98–3648]

#### Transportation for Individuals With Disabilities—Accessibility of Over-the-Road Buses (OTRBs)

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Interim final rule; correction.

**SUMMARY:** This rule makes an editorial correction to the preamble of the recently published interim final rule amending the Department of Transportation’s regulations concerning accessibility of over-the-road buses (OTRBs). The interim final rule was published in the **Federal Register** on Tuesday, February 6, 2001 (66 FR 9048)