

providers, both providing LECs and competing DA providers, are subject to state limitations regarding use of accessed directory information (e.g., by prohibiting the sale of customer information to telemarketers), as long as those state regulations are consistent with the nondiscrimination requirements of section 251(b)(3) of the Act.

8. We also note that section 51.217(c)(3) of the Commission's rules already balances the Commission's interests in ensuring nondiscriminatory access to DA, and in protecting customer privacy. The section indicates that even though a LEC shall not provide access to the unlisted number of its customers, it must "ensure that access is permitted to the same directory information, including customer name and address, that is available to its own directory assistance customers." We clarify, however, that although competing DA providers may be entitled to nondiscriminatory access to DA information, all competing DA providers must adhere to the disclosed privacy requests of LEC customers for all DA information obtained pursuant to section 251(b)(3). This means that, to the extent competing DA providers have received notice of a LEC customer's privacy requests, they must comply with such requests, and may not use or disclose any DA information that a LEC's customer has requested that the LEC not use or make available.

9. We grant SBC/BellSouth's request insofar as they ask the Commission to agree that there is no statutory basis for allowing DA providers to use DA listings obtained pursuant to section 251(b)(3) of the Act for directory publishing. SBC/BellSouth submit that permitting such use would allow competing DA providers to avoid the statutory distinctions between directory assistance and directory publishing indicated by the separate treatment of these services under section 251(b)(3) and section 222(e) of the Act. We agree, and note that in the *SLI/DA First Report and Order* (66 FR 10965-02, February 21, 2001), the Commission found that although the underlying databases for the two services are similar, they are not identical, and any seeming convergence between DA and directory publishing is not strong enough at this time to obviate the distinctions drawn by Congress in the Act.

10. *Nondiscriminatory Access to Local DA Listings Acquired from Third Parties.* We are not persuaded by SBC/BellSouth's assertion that in instances where more than one facilities-based LEC serves a local area, LECs should not be required to provide

nondiscriminatory access to local DA listings purchased from third parties. Rather, we agree that competitive DA providers are entitled to receive nondiscriminatory access to a LEC's entire local DA database pursuant to section 251(b)(3) of the Act. We reaffirm that even though the Commission has declined to require LECs to provide nondiscriminatory access to *nonlocal* DA data, it has consistently required that LECs provide nondiscriminatory access to all of their *local* DA database listings.

11. *Nondiscriminatory Access to Operator Services, Directory Assistance and Features Adjunct to These Services.* Finally, we deny SBC's separate petition for reconsideration of the Commission's determination regarding the scope of competing DA providers' access to operator services (OS), DA and the features adjunct to these services. SBC specifically requests that the Commission find that section 251(b)(3) does not require that LECs provide "unbundled" access to all of the facilities used to provide OS/DA services, including adjunct features and software.

12. We acknowledge that carriers are no longer required to provide OS/DA services as unbundled network elements (UNEs) under section 251(c)(3). We note, however, that in coming to the conclusion that UNE access would no longer be necessary under that section, the Commission specifically recognized the continued obligation to provide nondiscriminatory access to OS/DA under section 251(b)(3). We reaffirm the Commission's determination that requesting carriers would not have nondiscriminatory access to operator services and directory assistance under section 251(b)(3) unless those carriers have access to these services in their entirety, including access to any adjunct features such as rating tables and customer information databases necessary to allow competing providers full use of these services.

#### Ordering Clauses

13. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 4, 201, 222, and 251 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 201, 222, and 251, this Order on Reconsideration *is adopted*.

14. *It is further ordered* that Qwest Corporation's Request to Withdraw its Pending Petition for Reconsideration *is granted*.

15. *It is further ordered* that the above mentioned Petition for Clarification or, in the Alternative, Reconsideration filed by SBC/BellSouth *is granted in part and*

*denied in part*, to the extent discussed herein.

16. *It is further ordered* that SBC Communications Inc.'s Request to Withdraw Issue in Its Pending Petition for Reconsideration *is granted*.

17. *It is further ordered* that the Petition for Clarification or, in the Alternative, Reconsideration filed by SBC *is denied*, to the extent discussed herein.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05-16334 Filed 8-16-05; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 05-2199; MB Docket No. 05-81; RM-11102]

#### Radio Broadcasting Services; Altheimer, AR and Little Rock, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** At the request of Charles Crawford, Channel 251C3 is allotted at Altheimer, Arkansas, as the community's first local aural transmission service. Station KURB(FM), Channel 253C, Little Rock, Arkansas is reclassified as 253C0 pursuant to the reclassification procedures adopted by the Commission. See Second Report and Order in MM Docket 98-93 (1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules) 65 FR 79773 (2000). An Order to Show Cause was issued to Citadel Broadcasting Company, licensee of Station KURB(FM) (RM-11102). Channel 251C3 is allotted at Altheimer, Arkansas, at Petitioner's requested site 20.4 kilometers (12.7 miles) southwest of the community at coordinates 34-09-00 NL and 91-56-00 WL.

**DATES:** Effective September 12, 2005.

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

**FOR FURTHER INFORMATION CONTACT:** Victoria McCauley, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 05-81, adopted July 27, 2005, and released July 29, 2005. The full text of this Commission decision is available for

inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com). The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

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

Radio, Radio broadcasting.

■ 47 CFR part 73 is amended as follows:

#### PART 73—RADIO BROADCAST SERVICES

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

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

##### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Arkansas is amended by adding Altheimer, Channel 251C3, and by removing Channel 253C and adding Channel 253C0 at Little Rock.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 05-16076 Filed 8-16-05; 8:45 am]

BILLING CODE 6712-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 05-2200; MB Docket No. 02-109; RM-10420, 10546]

##### Radio Broadcasting Services; Morgan, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Donald F. White and Jerry E. White d/b/a Morgan Radio Company, allots Channel 228A at Morgan, Georgia, as the community's first local aural transmission service (RM-10420). *See* 67 FR 39933, June 11, 2002. We also dismiss the counterproposal filed by Clyde Scott, Jr. d/b/a EME Communications, proposing the allotment of Channel 228C3 in lieu of Channel 228A at Morgan, Georgia (RM-

10546). The allotment of Channel 228C3 at Morgan was not considered because EME Communications failed to express an interest in applying for the channel, if allotted. Channel 228A can be allotted to Morgan in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 228A are 31-32-15 North Latitude and 84-35-58 West Longitude.

**DATES:** Effective September 12, 2005. A filing window for Channel 228A at Morgan, Georgia, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the commission a subsequent order.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 02-109, adopted July 27, 2005, and released July 29, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* U.S.C. 801(a)(1)(A).

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

Radio, Radio broadcasting.

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

#### PART 73—RADIO BROADCAST SERVICES

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

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

##### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Morgan, Channel 228A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 05-16075 Filed 8-16-05; 8:45 am]

BILLING CODE 6712-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 05-2210; MB Docket No. 05-137, RM-11161]

##### Radio Broadcasting Service; Big Spring, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Charles Crawford allots Channel 265C3 at Big Spring, Texas, as the community's third local commercial FM service. *See* 70 FR 19397, published April 13, 2005. Channel 265C3 can be allotted to Big Spring in compliance with the Commission's minimum distance separation requirements at the center of the community. The reference coordinates for Channel 265C3 at Big Spring are 32-12-00 North Latitude and 101-18-00 West Longitude with a site restriction of 17.7 kilometers (11 miles) east of Big Spring. Mexican concurrence has been requested. A filing window for Channel 265C3 at Big Spring, Texas will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**DATES:** Effective September 12, 2005.

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

**FOR FURTHER INFORMATION CONTACT:** Helen McLean, Media Bureau, (202) 418-2738.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 05-137, adopted July 27, 2005, and released July 29, 2005. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

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

Radio, Radio broadcasting.