

advanced wireless services, including 5G, with unassigned spectrum to be made available for commercial use via competitive bidding following the completion of a Rural Tribal priority filing window. In so doing, the Commission adopted small business size standards and associated bidding credits for new EBS licenses to improve the ability of small businesses to attract the capital necessary to participate meaningfully in the auction of 2.5 GHz spectrum.

2. The *Notice of Proposed Rulemaking* (NPRM) in this proceeding, 83 FR 26396, June 7, 2018, proposed to conduct any auction of EBS licenses in conformity with the Commission's Part 1 competitive bidding rules. The NPRM also proposed not to apply designated entity preferences in such auctions, and accordingly did not propose any small business size standards under which qualifying small businesses would receive bidding credits. In comments and *ex parte* letters submitted in response to the NPRM, several parties supported the adoption of bidding credits in an EBS auction to encourage the participation of small service providers. Upon consideration of the record in this proceeding, the Commission concluded that using bidding credits in competitive bidding for EBS licenses in the 2.5 GHz band would be an effective tool to achieve the statutory objective of promoting the participation of designated entities in the provision of spectrum-based services. Noting that the removal of the eligibility restriction and educational use requirements will attract more commercial operators to the 2.5 GHz band, the Commission found that bidding credits should help facilitate greater participation in any auction of EBS licenses and that offering bidding credits to designated entities should improve the ability of small businesses to attract the capital necessary to meaningfully participate in such an auction. Thus, the *2.5 GHz Report and Order* adopted small business size standards and associated bidding credits for new EBS licenses.

3. A Federal department or agency that adopts a size standard for categorizing a business concern as a small business is required to consult with the Small Business Administration (SBA) prior to proposing the size standard for public comment and subsequently, it is required to obtain the SBA Administrator's approval of the size standard. In this proceeding, because the NPRM did not propose to apply designated entity preferences in auctions of new EBS licenses in the 2.5 GHz band, the NPRM did not propose

any size standards under which qualifying small businesses would receive bidding credits. Therefore, the Commission did not consult with the SBA regarding proposed size standards for new EBS licenses in the 2.5 GHz band. However, in the *2.5 GHz Report and Order*, the Commission directed the WTB, in conjunction with OEA, to seek further comment on the two adopted small business size standards and to consult with the SBA and obtain its approval of the adopted size standards in advance of any auction of 2.5 GHz EBS overlay licenses, as required by law.

4. Accordingly, we seek comment on the definitions of a "small business" as an entity that, together with its affiliates, its controlling interests, and the affiliates of its controlling interests, has average gross revenues that are not more than \$55 million for the preceding five years, and a "very small business" as an entity that, together with its affiliates, its controlling interests, and the affiliates of its controlling interests, has average gross revenues that are not more than \$20 million for the preceding five years. Pursuant to the *2.5 GHz Report and Order*, a winning bidder in an auction of EBS licenses that qualifies as a "small business" would be eligible for a 15% bidding credit, and a winning bidder qualifying as a "very small business" would be eligible for a 25% bidding credit.

5. Copies of the comments and replies filed in response to the *2.5 GHz Small Business Size Standards Public Notice* will be provided to the SBA consistent with SBA procedures for approval of size standards prescribed by Federal departments and agencies.

6. *Ex Parte Rules*. This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other

filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Federal Communications Commission.

William Huber,

Associate Chief, Auctions Division, Office of Economics and Analytics.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 17-310; Report No. 3136; FRS 16305]

Petitions for Reconsideration of Action in Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for Reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission's proceeding listed below by Jeffrey A. Mitchell, on behalf of SHLB Coalition, Michael J. Dunleavy, on behalf of State of Alaska, B. Lynn Follansbee, on behalf of USTelecom—The Broadband Association, Leonard A. Steinberg, on behalf of Alaska Communications, David J. Kirby, on behalf of North Carolina Telehealth Network Association and Southern Ohio Health Care Network.

DATES: Oppositions to the Petitions must be filed on or before January 3, 2020. Replies to an opposition must be filed on or before January 13, 2020.

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

FOR FURTHER INFORMATION CONTACT: William Layton, Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-0868.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 3136, released December 05, 2019. The full text of the Petitions are available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW, Room CY-A257, Washington, DC 20554. Petitions also may be accessed online via the Commission's Electronic Comment Filing System at: <http://apps.fcc.gov/ecfs/>. The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. because no rules are being adopted by the Commission.

Subject: Promoting Telehealth in Rural America, FCC 19-78, published at 84 FR 54952, October 11, 2019, in WT Docket No. 17-310.

Number of Petitions Filed: 5.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-2019-0011]

RIN 2127-AL96

Federal Motor Vehicle Safety Standards; Tires

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

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: NHTSA is issuing this ANPRM to seek comment on provisions contained in the Federal Motor Vehicle Safety Standards for tires. NHTSA is reviewing existing regulations to determine if updates are necessary to keep pace with new technology. This notice focuses on tire-related comments received to the DOT's regulatory review and request for public comment notice issued on October 2, 2017. NHTSA seeks comment on matters related to the

existing strength test, the bead unseating resistance test, and the tire endurance test. Lastly, the agency seeks comment on the current use and relevance of some tire marking regulations and other matters related to new tire technologies. Comments to this notice will inform NHTSA as it considers regulatory reform aimed at reducing regulatory burden while maintaining existing safety levels for motor vehicle tires.

DATES: Comments must be received no later than February 18, 2020. See Public Participation heading of the

SUPPLEMENTARY INFORMATION section of this document for more information about written comments.

ADDRESSES: You may submit comments electronically to the docket identified in the heading of this document by visiting the following website:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Alternatively, you can file comments using the following methods:

- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- *Fax:* (202) 493-2251.

Regardless of how you submit your comments, you should mention the docket number identified in the heading of this document.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any

personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or at <http://www.transportation.gov/privacy>.

Confidential Information: If you wish to submit any information under a claim of confidentiality, you should submit

three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given below under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in the confidential business information regulation. (49 CFR part 512.)

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Please contact, Jesus Valentin-Ruiz, Office of Crash Avoidance Standards, telephone 202-366-1810, or David Jasinski, Office of the Chief Counsel, telephone 202-366-2992. You may send mail to both of these officials at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 or fax to 202-493-0073.

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I. Introduction

On October 2, 2017, DOT issued a **Federal Register** notice requesting public comment on existing rules and other agency actions that are candidates for repeal, replacement, suspension, or modification (82 FR 45750). This public input was aimed to inform DOT's review of its existing regulations and other agency actions to evaluate their continued necessity, determine whether they are crafted effectively to solve current safety issues, and evaluate whether they potentially burden the development or use of domestically produced energy resources. DOT received almost 3,000 comments in response to this notice, of which approximately twenty-three addressed