charge or aspect of a charge is within the jurisdiction of the Office of Special Counsel.

If the EEOC has retained jurisdiction over any aspect of a charge when another aspect of the charge has been referred to the Office of Special Counsel, the attorney handling the charge for the Office of Special Counsel should attempt to coordinate, to the extent possible, the investigative activities of both agencies. If the EEOC has not retained jurisdiction over any aspect of a charge that has been referred to the Office of Special Counsel, the attorney should process the charge as he or she would any other charge of discrimination.

[FR Doc. 98–2593 Filed 2–2–98; 8:45 am]

BILLING CODE 6570–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

January 26, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) The accuracy of the Commission's burden estimate; (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.

DATES: Persons wishing to comment on this information collection should submit comments by April 6, 1998.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0798.

Form No.: FCC 601.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, Local or Tribal Government.

Number of Respondents: 55,669.

Estimated Time Per Response: 2 hours and 5 minutes.

Total Annual Burden: 115,959 hours.

Frequency of Response: On occasion reporting requirement.

Needs and Uses: FCC 601 will be used as the general application for market based licensing and site-by-site licensing in the Wireless Telecommunications Radio Services. The purpose of this revision is to include the Paging and Cellular Radio Services.

Use of FCC Forms 405, 489, 490, 464, and 600 in the Paging and Cellular services will be eliminated. Schedules D, E, F, and J are intended for technical information.

This long form application is a consolidated application form and will be utilized as part of the Universal Licensing System currently under development. The goal of producing a consolidated form is to create a form with a consistent ''look and feel'' that maximizes the collection of data and minimizes narrative responses, free-form attachment, and free-form letter requests. A consolidated application form will allow common fields, questions, and statements to reside in one place and allow the technical data specific to each service to be captured in its own schedule. FCC 601 consists of a Main Form containing administrative information and a series of Schedules used to file technical information. Auction winning respondents are required to submit FCC 601 electronically.

The data collected on this form includes the applicant's Taxpayer Identification Number. Use of Taxpayer Identification Number in the Universal Licensing System will allow pre-filling of data by searching the database and displaying all pertinent data associated to a given TIN, as well as for Debt Collection purposes. It will also improve and lessen the burden of the volume of data the public would have to enter for later filings.

OMB Control Number: 3060–0560.

Title: Section 76.911, Petition for reconsideration of certification.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 45.

Estimated Time Per Response: 2–10 hours.

Total Annual Burden: 410 hours, calculated as follows: We estimate that cable operators and other entities will annually initiate no more than 20 petitions for reconsideration of certification. We estimate that the average burden to complete all aspects of each petition process is 10 hours for each petitioning party and responding party. (20 petitions × 2 parties each × 10 hours = 400 hours. We also estimate that no more than 5 cable operators may, if evidence establishing effective competition is not otherwise available, need to request from a competitor information regarding the competitor's reach and number of subscribers. The burden associated with supplying this information is estimated to be 2 hours per request. (5 occurrences × 2 hours = 10 hours).

Cost to Respondent: $410, calculated as follows: Postage and stationery costs associated with the petitions is estimated to be $10 per respondent. (20 petitions × 2 parties × $10 = $400). Postage and stationery costs associated with supplying information regarding the competitor's reach and number of subscribers is estimated to be $2 per request. (5 × $2 = $10).

Frequency of Response: On occasion reporting requirement.

Needs and Uses: Section 76.911 states that a cable operator, or other interested party, may challenge a franchising authority's certification by filing a petition for reconsideration. The petition may allege either that the cable operator is not subject to rate regulation because effective competition exists, or that the franchising authority does not meet the Commission's certification standards. The burden associated with the petition process was not previously accounted for in this collection; therefore, this collection has been revised. Section 76.911(b)(2) also states that if evidence establishing effective competition is not otherwise available, then cable operators may request from a competitor information regarding the competitor's reach and number of subscribers. A competitor must respond to such request within 15 days and such responses may be limited to numerical totals. Commission staff use the information derived from petitions for reconsideration of certification to resolve disputes concerning the

presence or absence of effective competition in franchise areas and to determine whether there are grounds for denying franchising authority certifications to regulate rates.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–2582 Filed 2–2–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 98–66]

Minimum Opening Bids or Reserve Prices

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: By this Order, the Wireless Telecommunications Bureau of the FCC (''Bureau'') establishes minimum opening bid requirements for the auction of 986 Local Multipoint Distribution Service (LMDS) licenses set to begin February 18, 1998. The Balanced Budget Act of 1997 creates a presumption that the use of minimum opening bids or reserve prices is in the public interest in FCC auctions unless the Commission determines otherwise. Commenters have failed to persuade the Bureau that the use of minimum opening bids or reserve prices is contrary to the public interest in this instance. Accordingly, the Bureau adopts minimum opening bids, subject to reduction, and establishes a formula for calculating the minimum opening bids.

EFFECTIVE DATE: February 3, 1998.

FOR FURTHER INFORMATION CONTACT: Mark Bollinger or Matthew Moses, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of an Order adopted January 14, 1998, and released January 14, 1998. The text of the Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. and also may be purchased from the Commission's copy contractor, International Transcription Services Inc. (ITS, Inc.) 1231 20th Street, N.W., Washington, D.C. 20036, (2020) 857–3800.

Synopsis of the Order

Background

1. The Balanced Budget Act of 1997 directs the Commission to prescribe methods to establish reasonable reserve prices or minimum opening bids for licenses subject to auction, unless the Commission determines that such reserve prices or minimum opening bids are not in the public interest. On October 17, 1997, the Bureau sought comment by Public Notice regarding the establishment of reserve prices or minimum opening bids, Public Notice, ''Comments Sought on Reserve Prices or Minimum Opening Bids for LMDS Auction,'' DA 97–2224, 62 FR 55642–01 (October 27, 1997).

2. In the October 17 Public Notice, the Bureau proposed to establish minimum opening bids for the LMDS auction and retain discretion to lower the minimum opening bids. The October 17 Public Notice stated the Bureau's belief that minimum opening bids were more appropriate for LMDS than reserve prices. The Bureau noted that a minimum opening bid can be an effective bidding tool that regulates the pace of the auction and provides flexibility.

3. In the October 17 Public Notice, the Bureau proposed the following formula for calculating minimum opening bids for the LMDS auction:

Population of license area	A block min. opening bid	B block min. opening bid
Less than 100,000	$0.75 × population	10% of A Block.
100,000–1,000,000	1.50 × population	10% of A Block.
More than 1,000,000	2.25 × population	10% of A Block.

The Bureau sought comment on this proposal. The Bureau also asked that commenters who believed that the proposed formula would result in substantial numbers of unsold licenses, or is not a reasonable amount, or should instead operate as a reserve price, explain why this is so, and comment on the desirability of an alternative approach. Commenters were advised to support their claims with valuation analyses and suggested reserve prices or minimum opening bid levels or formulas. Alternatively, the Bureau sought comment on whether, consistent with the Balanced Budget Act, the public interest dictates having no minimum opening bid or reserve price.

4. *Comments.* Most commenters favor reducible minimum opening bids over reserve prices. Commenters in favor of minimum opening bids believe they have the ability to greatly speed the auction, ensure the licenses are not dramatically undervalued, deter frivolous bidders, ensure fair recovery for the public, and provide immediate feedback on appropriateness of the floor price set as opposed to a reserve price. Several commenters cite the importance of being able to reduce the amount of the minimum opening bid to guard against the risk of setting the opening bid too high, as spectrum valuation is very difficult.

5. Those commenters who oppose minimum opening bids do so for a variety of reasons. Several allege that minimum opening bids will work against an open market concept. One commenter argues that they will work against broad participation, and another asserts that they are not needed because this auction will be competitive. Some commenters oppose minimum opening bids for certain markets by asserting, for example, that they are not appropriate for Basic Trading Areas (BTAs) with population density under 75 persons per square mile, or that they are not appropriate for anything below the top 100 markets. Commenters also allege that there is a risk that they may be set above fair market value and delay service to the public, and they will hurt small businesses. Finally, many commenters opposing minimum opening bids argue that they cannot be appropriately set because valuation is very difficult due to geography, complexity of service and propagation, and lack of existing systems.

6. Many commenters state, however, that if minimum opening bids are adopted, they should be lower than those proposed. Commenters offer several alternatives, including: setting them equal to the upfront payment; setting them at one-third of the upfront payment; establishing no minimum bid on markets with fewer than 50 persons per square mile; establishing a ceiling for the minimum opening bids at $0.40 per pop; adding a fourth tier and using a lower value; setting a single dollar