CompTel's recommendation that we require waiver of termination penalties in contracts for entrance facilities because we conclude that such a waiver would deny the LECs recovery of capital expenditures made specifically for a particular IXC. We also decline to adopt AT&T's proposal to require LECs to waive NRCs for all IXC consolidations because it is moot and beyond the scope of this proceeding. Moreover, we decline to restrict the NRC waiver to once per trunk, as USTA suggests, because, in light of the limited time period for which the waiver was available, we have no reason to believe that the significant churn envisioned by USTA occurred.

22. Finally, we conclude that, in their mid-course adjustment of the interconnection charge, the LECs are entitled, upon a proper showing, to take into account NRCs waived pursuant to the Commission's requirement. Therefore, if a LEC can demonstrate that, as a result of the Commissionmandated waiver of NRCs, the transport restructure yielded revenues significantly less than the amount it realized previously, in part, because the number of NRCs charged during the year fell short of the demand level used in calculating the initial interconnection charge, the LEC may seek a mid-course adjustment on this basis. We conclude that the Commission has statutory authority to allow this type of recovery through the interconnection charge because it is necessary to maintain revenue neutrality and because carrying out such an adjustment does not constitute retroactive ratemaking.

### E. Miscellaneous

### 1. Pricing Flexibility

23. We reaffirm that the LECs may offer term and volume discounts for switched transport services and may implement density zone pricing of switched transport, as set forth in the Switched Transport Expanded Interconnection Order (Expanded Interconnection with Local Telephone Company Facilities, Second Report and Order and Third Notice of Proposed Rulemaking, 58 FR 48756 (September 17, 1993)), and as reaffirmed and slightly modified by the Expanded Interconnection Remand Order, (Expanded Interconnection with Local Telephone Company Facilities, Memorandum Opinion and Order, 59 FR 38922 (August 1, 1994)). We decided these issues in the expanded interconnection proceeding, based on a separate and complete record. The present record, however, does not refute the need for this additional pricing

flexibility in an increasingly competitive access market.

24. With respect to volume and term discounts, we clarify that the rules we adopted in the expanded interconnection proceeding regarding discounted transport offerings (47 U.S.C. 69.110(f)–(h), 69.111(i)–(k), and 69.112(f)-(h)) contemplate only volume discounts (reduced per-unit prices for a particular number of units of service) and term discounts (reduced per-unit prices for a specified service for a particular period of time). These rules do not provide for percentage or growth discounts-reduced per-unit prices for customers that commit to purchase a certain percentage of their past usage from a LEC, or reduced prices based on growth in traffic placed over a LEC's network. With respect to density zone pricing, we reaffirm our requirement that the price subindexes (i.e., the upper and lower pricing bands—not the rate levels) be the same in each zone when a LEC introduces density zone pricing in a study area.

## 2. Intermediate Hubbing and Tandem-Switched Transport

25. We decline to adopt Sprint's proposal to modify the definition of 'tandem-switched transport'' to include service between any customerdesignated telephone company office and an end office, thus permitting IXCs to purchase (1) dedicated facilities to an intermediate hub that is not collocated at the serving wire center or at the tandem office; and (2) tandem-switched transport from that intermediate hub to an end office, rated based on the distance between the hub and the end offices without regard for the actual location of the intervening tandem office. We have already adopted rules that enable tandem-switched transport users to obtain efficiencies through intermediate hubbing. Sprint's proposal would substantially change the transport rate structure, and would lead to the pricing of more services in a manner that does not reflect the way facilities are deployed. Given our doubts about the efficiency benefits of Sprint's request and the fact that the existing rules already provide reasonable opportunities for tandem-switched transport users to compete with directtrunked transport users, we decline to amend our prior decisions.

## 3. Meet Point Billing

26. We conclude that specific methods for assessing, and avoiding double billing for, the tandem charge and the interconnection charge under meet point billing arrangements are better left to the individual parties

involved, given the wide variety and diversity of such arrangements. If such issues cannot be settled among the parties, we can address them in the future in the tariff process or pursuant to specific complaints filed with the Commission.

# 4. Prohibition on Ratcheting

27. We continue to believe that ratcheting by interconnectors benefits access customers and competition, and therefore, decline to modify our rules with respect to ratcheting.

#### **Ordering Clauses**

28. Accordingly, it is ordered, pursuant to Sections 1, 4(i) and (j), 201–205, 218, 220, 403, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and (j), 201–205, 218, 220, 403, and 405, that the petitions for reconsideration and clarification concerning the rate structure and pricing of local transport are denied, except to the extent indicated herein.

29. It is further ordered that the decisions and policies adopted herein shall be effective thirty days after the date of publication in the **Federal Register**.

30. It is further ordered that WilTel's Motion for Acceptance of Late-Filed Opposition to Petition for Reconsideration is granted.

31. It is further ordered that authority is delegated to the Chief, Common Carrier Bureau, as set forth herein.

# List of Subjects in 47 CFR Part 61 and 69

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

# William F. Caton,

Acting Secretary.

[FR Doc. 95–1358 Filed 1–19–95; 8:45 am] BILLING CODE 6712–01–M

### **DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

#### 50 CFR Part 675

[Docket No. 950104001-5001-01; I.D. 092694A]

RIN 0648-AF02

# Groundfish of the Bering Sea and Aleutian Island Area; Amendment 21a

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.