

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 93]

Boating

The Fish and Boat Commission (Commission) proposes to amend Chapter 93 (relating to boat registration and numbering). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment deals with boating.

A. Effective Date

The proposed amendment will, if approved on final rulemaking, go into effect upon publication of an order adopting the amendment.

B. Contact Person

For further information on the proposed change contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. Statutory Authority

These proposed amendment is published under the statutory authority of section 5123 of code (relating to general boating regulations).

D. Purpose and Background

The proposed amendment is designed to update, modify and improve Commission regulations pertaining to boating. The specific purpose of the proposed amendment is described in more detail under the summary of proposal. Prior to consideration by the Commission on final rulemaking, the Commission's Boating Advisory Board will consider the proposed amendment and make a recommendation to the Commission regarding adoption.

E. Summary of Proposal

Section 93.5 (relating to display of registration number and validation decal). The Commonwealth has adopted the use of color coded validation decals to identify boats that possess current registrations. The use of validation decals is authorized by the Federal regulations that outline the content and form of state registration systems. At the inception of the Commonwealth's validation decal, the Commission's regulations required that the decal be displayed 3 inches behind the registration number. Several years ago an amendment was approved to allow this decal to be 3 to 6 inches from the number.

33 CFR 174.15 states:

- (a) If a state issues validation stickers, its numbering system must contain the requirements that stickers must be displayed within six inches of the number and the stickers must meet the requirements in paragraph (b) and (c) of this section.
- (b) Validation stickers must be approximately 3 inches square.
- (c) The year in which each validation sticker expires must be indicated by the colors blue, international orange, green and red in rotation beginning with blue for stickers that expire in 1973.

The Commission's regulation currently conforms with these standards but are more strict than required for the display of validation decals. Because the important feature of this regulation is that the decal be displayed and not the exact location of the decal, the Commission proposes to broaden the language of this regulation to allow display anywhere within 6 inches of the number.

F. Paperwork

The proposed amendment will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-81. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

§ 93.5. Display of registration number and validation decal.

* * * * *

(b) A set of two color-coded validation decals will be issued for display with each registration number. The decal shall be displayed [**at least 3 but no more than 6 inches following the last letter of the registration number's suffix**] **within 6 inches of the registration number** and on a level with the number. The decals shall be approximately 3 inches by 3 inches and color-coded to indicate the registration period. Registration numbers and validation decals shall be displayed in the following

manner: PA 12 AM or PA 12 AM. A validation decal may be displayed prior to April 1 of the period for which it is issued.

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[Pa.B. Doc. No. 98-1058. Filed for public inspection July 2, 1998, 9:00 a.m.]

[58 PA. CODE CH. 65]

Miscellaneous Special Regulations; Blair and Huntingdon Counties

The Fish and Boat Commission (Commission) proposes to amend § 65.24 (relating to miscellaneous special regulations). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment relates to fishing.

A. Effective Date

This proposed amendment will, if approved on final rulemaking, go into effect on January 1, 1999, or upon publication of an order adopting the amendment, whichever occurs later.

B. Contact Person

For further information on the proposed change, contact Laurie E. Shepler, Assistant Counsel ((717) 657-4546), P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. Statutory Authority

This proposed amendment is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The proposed amendment is designed to update, modify and improve Commission regulations pertaining to fishing. The specific purpose of the various amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

Section 65.24 (relating to miscellaneous special regulations). A few years ago when regulations were amended for the lower 13.5 miles of the Little Juniata River, a 2.1 mile stretch was left with an older set of regulations that are not appropriate at this time. Inventory information has confirmed that the 2.1 mile section from the mouth of Bald Eagle Creek downstream to the railroad bridge at the east (downstream) border of Ironville supports only a sparse trout population as coldwater habitat in this portion of the stream is marginal for the year-round survival of trout. Therefore, the Commission believes that this 2.1 mile section does not warrant management under miscellaneous special regulations and proposes removing this section from the list of waters subject to special regulations. If this change is adopted by the Commission, this section will be managed under Statewide regulations that are already in place on the upstream portion of the Little Juniata River from the headwaters downstream to the confluence of Bald Eagle Creek.

F. Paperwork

The proposed amendment will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the Pennsylvania Bulletin. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO, Executive Director

(Editor's Note: A proposal to amend § 65.24 (relating to miscellaneous special regulations) remains outstanding at 28 Pa.B. 1837 (April 18, 1998).)

Fiscal Note: 48A-83. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
*****	*****	*****
[Blair and Huntingdon]	[Little Juniata River from the mouth of Bald Eagle Creek (near Tyrone) downstream to the railroad bridge at the east (downstream) border of Ironville.]	[No closed sea- son on trout. Daily limit: Open- ing day of trout season to Labor Day—eight trout. Labor Day to suc- ceeding opening day of trout sea- son—three trout. Inland regula- tions apply to warmwater spe- cies.]
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[Pa.B. Doc. No. 98-1059. Filed for public inspection July 2, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 63]

Interexchange Reseller Location Surcharges

Commissioners Present: John M. Quain, Chairperson;
Robert K. Bloom, Vice Chairperson; David W. Rolka;
Nora Mead Brownell; Aaron Wilson, Jr.

Public Meeting held
June 18, 1998

Rulemaking Regarding Interexchange Reseller Location
Surcharges; 52 Pa. Code § 63.112; Doc. No. L-00960117

Order

By the Commission:

Background

On November 27, 1991, the Commission entered a final order promulgating regulations which declared jurisdiction over interexchange (IXC) resellers and established procedures governing these IXC resellers. These regulations became effective on April 4, 1992, and are codified in 52 Pa. Code §§ 63.111—63.118. These regulations imposed a price cap on the rates resellers can charge, but it permitted them to assess a location surcharge for the use of a reseller's pay telephone.

One reseller type is the operator service provider (OSP), which provides service to pay telephones so that the transient public can assess IXC service. After the reseller regulations became effective, the Commission found that some OSPs were engaging in "price gouging" by charging excessive location surcharges to aggregator telephone users. An aggregator telephone is one which is made available to the transient public, such as coin operated telephones, credit card telephones and telephones located in hotels, hospitals and universities.

Thus, by order entered April 30, 1996, at the above-captioned Docket No., the Commission initiated a proposed rulemaking under 52 Pa. Code § 63.112a to amend

the reseller regulations to establish a \$1 cap on the location surcharge for aggregator telephones. This proposed rulemaking received Attorney General approval on June 21, 1996, was submitted into the regulatory process on August 9, 1996, and was published for comment at 26 Pa.B. 4097 (August 24, 1996).

Discussion

On September 20, 1996 and November 8, 1996, the Federal Communications Commission (FCC) released two orders which effectively preempted any state regulation of coin operated telephone rates. These orders were the *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Report and Order* and *Reconsideration Order*, at CC Docket Nos. 69-128 and 91-35 (for both documents). In these orders, the FCC stated that carriers providing service to coin operated telephones shall have the ability to set their own rates.

As a result of these FCC orders, the portion of the proposed rulemaking which establishes a \$1 surcharge cap on coin operated aggregator telephones is in direct contradiction with pertinent FCC mandates. Therefore, the Commission's regulation of aggregator telephone rates is now limited to noncoin operated aggregator telephones such as those found in hotels, hospitals and other public locations. To accommodate this limitation, the instant rulemaking requires revisions which, under the Pennsylvania regulatory process, necessitates a withdrawal.

In light of the foregoing, the Commission is withdrawing the above-captioned proposed rulemaking. *Therefore, It Is Ordered That:*

1. The proposed rulemaking, Rulemaking Regarding Interexchange Reseller Location Surcharges, at Docket No. L-00960117, is withdrawn and closed.
2. A copy of the Order shall be forwarded to the *Pennsylvania Bulletin* for publication.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1060. Filed for public inspection July 2, 1998, 9:00 a.m.]