

Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20054.

Pursuant to § 1.1206 of the Commission's rules, 47 CFR 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which ex parte communications are permitted subject to disclosure.

Federal Communications Commission.

**Sharon Webber,**

*Deputy Chief, Wireline Competition Bureau, Telecommunications Access Policy Division.*

[FR Doc. 04-1837 Filed 1-27-04; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

[CC Docket No. 96-45; DA 03-3730]

**Public Service Cellular, Inc. for Designation as an Eligible Telecommunications Carrier in Alabama**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice; solicitation of comments.

**SUMMARY:** In this document, the Wireline Competition Bureau sought comment on the Public Service Cellular, Inc. (PSC) petition. PSC seeking designation as an eligible telecommunications carrier (ETC) to receive Federal universal service support for service offered throughout its licensed service area in the State of Alabama.

**DATES:** Comments are due on or before February 9, 2004. Reply comments are due on or before February 23, 2004.

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

**SUPPLEMENTARY INFORMATION** for further filing instructions.

**FOR FURTHER INFORMATION CONTACT:** Scott A. Mackoul, Attorney, Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7498, TTY (202) 418-0484.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's public notice, CC Docket No. 96-45, released November 20, 2003. On September 12, 2003, PSC filed with the Commission a petition pursuant to section 214(e)(6) of the Communications Act of 1934, as amended, seeking designation as an ETC to receive Federal universal service support for those areas within its authorized service area in Alabama currently served by non-rural telephone

companies. Specifically, PSC contends that: The Alabama Public Service Commission (Alabama Commission) has provided an affirmative statement that it does not regulate commercial mobile radio service (CMRS) carriers; PSC satisfies all the statutory and regulatory prerequisites for ETC designation; and designating PSC as an ETC will serve the public interest. The Wireline Competition Bureau seeks comment on PCS's petition.

The petitioner must provide copies of its petition to the Alabama Commission. The Commission will also send a copy of this public notice to the Alabama Commission by overnight express mail to ensure that the Alabama Commission is notified of the notice and comment period.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments as follows: comments are due on or before February 9, 2004, and reply comments are due on or before February 23, 2004. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121, May 1, 1998.

Comments filed with the Commission through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail

(although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW., Room 5-B540, Washington, DC 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20054.

Pursuant to § 1.1206 of the Commission's rules, 47 CFR 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which ex parte communications are permitted subject to disclosure.

Federal Communications Commission.

**Sharon Webber,**

*Deputy Chief, Wireline Competition Bureau, Telecommunications Access Policy Division.*

[FR Doc. 04-1838 Filed 1-27-04; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL MARITIME COMMISSION**

**Notice of Agreements Filed**

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

*Agreement No.:* 011117–032.

*Title:* United States/Australasia Discussion Agreement.

*Parties:* P&O Nedlloyd Limited; Australia-New Zealand Direct Line; Contship Containerlines; Hamburg-Sud; Compagnie Maritime Marfret, S.A.; Wallenius Wilhelmsen Lines AS; CMA CGM, S.A.; Fesco Ocean Management Limited; A.P. Moller-Maersk A/S; and Lykes Lines Limited, LLC.

*Synopsis:* The amendment deletes Contship Containerlines as a party to the agreement.

*Agreement No.:* 011275–015.

*Title:* Australia/United States Discussion Agreement.

*Parties:* Hamburg-Sud; P&O Nedlloyd Limited; Australia-New Zealand Direct Line; LauritzenCool AB; Seatrade Group NV; FESCO Ocean Management Inc.; A.P. Moller-Maersk A/S; and Lykes Lines Limited, LLC.

*Synopsis:* The amendment revises the parties' minimum service levels under the agreement and removes reference to Hamburg-Sud's trade name.

*Agreement No.:* 011407–007.

*Title:* Australia/United States Containerline Association.

*Parties:* Hamburg-Sud, P&O Nedlloyd Limited, Australia-New Zealand Direct Line, and Lykes Lines Limited, LLC.

*Synopsis:* The amendment removes reference to Hamburg-Sud's trade name.

*Agreement No.:* 011868.

*Title:* CSCL/NLL Cross Space Charter, Sailing and Cooperative Working agreement—AAC Service.

*Parties:* China Shipping Container Lines Co., Ltd. and Norasia Container Lines Limited.

*Synopsis:* The agreement would authorize the carriers to share vessel space in the trade between the West Coast of the United States and the Far East. The parties request expedited review.

By Order of the Federal Maritime Commission.

Dated: January 23, 2004.

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. 04–1807 Filed 1–27–04; 8:45 am]

**BILLING CODE 6730–01–P**

## FEDERAL MARITIME COMMISSION

[Petition No. P3–99]

### Petition of China Ocean Shipping (Group) Company for a Partial Exemption From the Controlled Carrier Act

Served: January 22, 2004.

#### Order

By petition filed March 31, 1999, China Ocean Shipping (Group) Company (“COSCO” or “Petitioner”) has requested that the Federal Maritime Commission (“FMC” or “Commission”) partially exempt it from certain provisions of section 9 of the Shipping Act of 1984, 46 U.S.C. app. 1708 (“Controlled Carrier Act”). The requested exemption would enable COSCO to reduce tariff rates immediately, rather than subject to the 30-day waiting period prescribed by the Controlled Carrier Act, or the partial exemption granted by the Commission in 1998.<sup>1</sup> See *infra* at 3.

Notice of the filing of the Petition was published in the **Federal Register** on April 8, 1999, and interested parties were given until May 7, 1999 (later extended to September 7, 1999, in response to unopposed motions of American President Lines, Ltd. (“APL”) and Sea-Land Service, Inc. (“Sea-Land”)), to file comments. 64 FR 17181 (April 8, 1999). For the reasons set forth below, the Commission has determined to re-open this proceeding for a brief comment period before it makes its final determination in this matter.

#### I. The Petition

COSCO explains that ocean common carriers, with the exception of controlled carriers, are permitted to reduce their rates effective immediately upon filing.<sup>2</sup> Only controlled carriers are subject to the 30-day waiting period for reductions in tariff rates, as set forth in section 9(c).<sup>3</sup>

<sup>1</sup> Section 9(c) states, in relevant part: “Notwithstanding section 8(d) of this Act and except for service contracts, the rates, charges, classifications, rules, or regulations of controlled carriers may not, without special permission of the Commission, become effective sooner than the 30th day after the date of filing with the Commission.” 46 U.S.C. app. 1708(c).

<sup>2</sup> Section 8(d) of the Shipping Act of 1984 (“Shipping Act”) requires that all common carriers, controlled or otherwise, must give 30 days notice for rate increases. 46 U.S.C. app. 1707(d).

<sup>3</sup> Section 3(8) of the Shipping Act defines “controlled carrier” as:

an ocean common carrier that is, or whose operating assets are, directly or indirectly, owned or controlled by the government under whose registry the vessels of the carrier operate; ownership or control by a government shall be deemed to exist with respect to any carrier if—

On March 27, 1998, the Commission granted COSCO a limited exemption from the 30-day waiting requirement of section 9(c), allowing COSCO to decrease its tariff rates to levels which would meet or exceed those of its competitors with no waiting period. *Petition of China Ocean Shipping (Group) Company for a Limited Exemption from Section 9(c) of the Shipping Act of 1984*, Petition No. P1–98, 28 S.R.R. 144 (1998)(hereinafter “1998 Order”). In the current petition, COSCO seeks authority to reduce rates on less than 30 days notice, regardless of whether it is meeting a rate published by a competitor.

#### II. Comments

COSCO filed supporting comments from many of its shipper, freight forwarder/customs broker and NVOCC customers: Evapco, Inc.; Metro International Trading Corporation; McQuay International; Kamden International Shipping, Inc.; Shintech, Inc.; Consolidated Factors, Inc.; Fresh Western International, Inc.; Kanematsu USA, Inc.; Paramount Export Company; Nichirei Foods, Inc.; Twin City Foods, Inc.; Mincepa Inc., K-Swiss; DSL Transportation Services; Global Transportation Services, Inc.; Pacific/Atlantic Crop Exchange; Action Freight & Logistics USA, Inc.; Golden Gem Growers, Inc.; Louis Dreyfus Export Corp.; Beical International (USA) Corp.; LandOcean Management, Inc.; Medical Books for China International; AEI Ocean Services; BWVI (USA), Inc.; Trans USA Corp.; Tanimura and Antle; Porky Products, Inc.; ANRO; Suncoast Moving and Storage; Hellman International Forwarders, Inc.; Ponica Industrial Co., Ltd.; Norman Kreiger, Inc.; Freight Solutions International; Zen Trading Co., Ltd.; Forte Lighting, Inc.; Zen Continental Co., Inc.; AFS Logistic Management, Inc.; Coaster Co. of America; Edward Mittelstaedt, Inc.; Chase Leavitt (Customhouse Brokers), Inc.; Inter-Freight Logistics, Inc.; Calcot, Ltd.; Phoenix International Freight Services, Ltd.; Titan Steel Corporation; Pfizer, Inc.; Allen's Family Foods, Inc.; Townsends, Inc.; Boston Logistics, Inc.; Asian Metals & Alloys Corp.; MSAS Global Logistics, Inc.; Polonez Parcel

(A) a majority portion of the interest in the carrier is owned or controlled in any manner by that government, by any agency thereof, or by any public or private person controlled by that government; or

(B) that government has the right to appoint or disapprove the appointment of a majority of the directors, the chief operating officer, or the chief executive officer of the carrier.

46 U.S.C. app. 1702(8).