

F.2d 921 (D.C. Cir. 1958). We conclude that ATA's request does not satisfy the factors governing the issuance of a stay.

The actions contained herein have not changed our Final Regulatory Flexibility Analysis (FRFA), which is set forth in the *Report and Order*. Thus, no supplemental FRFA is necessary. In addition, the action contained herein imposes no new or modified reporting and/or recordkeeping requirements or burdens on the public.

#### Ordering Clauses

1. Accordingly, pursuant to sections 1–4, 222, 227, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 222 and 227; and section 1.108 of the Commission's Rules, 47 CFR 1.108, of the Commission's Rules, this *Order on Reconsideration* in CG Docket No. 02–278 is adopted and the *Report and Order*, FCC 03–153, is modified as set forth herein.

2. Subject to the effective dates set forth above, the National Association of Realtors' Request for Emergency Stay is *dismissed* without prejudice.

3. Subject to the effective dates set forth above, the American Society of Association Executives' Petition for Stay is *dismissed* without prejudice.

4. Subject to the effective dates set forth above, Proximity Marketing Request for Stay is *dismissed* without prejudice.

5. Subject to the effective dates set forth above, the National Association of Business Political Action Committees' Request for Stay is *dismissed* without prejudice.

6. Subject to the effective dates set forth above, the Chamber of Commerce of the United States *et al.* Request for Stay is *dismissed* without prejudice.

7. Subject to the effective dates set forth above, the Business Users Coalition's Petition for Emergency Stay is *dismissed* without prejudice.

8. Subject to the effective dates set forth above, the American Business Media's Petition for Stay is *dismissed* without prejudice.

9. Subject to the effective dates set forth above, the Air Conditioning Contractors of America's Petition for Emergency Stay is *dismissed* without prejudice.

10. Subject to the effective dates set forth above, the American Dietetic Association's Request for Stay of the Implementation of Regulations is *dismissed* without prejudice.

11. Subject to the effective dates set forth above, Reed Elsevier Inc.'s Motion for Stay is *dismissed* without prejudice.

12. Subject to the effective dates set forth above, the Newspaper Association

of America and the National Newspaper Association's Petition for Stay is *dismissed* without prejudice.

13. The American Teleservices Association Request for Expedited Stay is *dismissed* without prejudice to the extent it seeks a stay of the rules affected by the effective dates set forth above, but is *otherwise denied*.

14. The effective date for the Commission's determination that an established business relationship will no longer be sufficient to show that an individual or business has given express permission to receive unsolicited facsimile advertisements and the requirement that the sender of a facsimile advertisement first obtain the recipient's express permission in writing, as codified at 47 CFR 64.1200(a)(3)(i), IS January 1, 2005, and that this *Order on Reconsideration* is effective upon publication in the **Federal Register**. In light of the need to allow affected entities time to comply with the new faxing rules, we find good cause, pursuant to 5 U.S.C. 553(d), to make this effective on less than 30 days' notice.

#### List of Subjects

47 CFR Part 64

Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–21644 Filed 8–22–03; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1002

[STB Ex Parte No. 542 (Sub-No. 10)]

#### Regulations Governing Fees For Services Performed in Connection With Licensing and Related Services—2003 Update

AGENCY: Surface Transportation Board.

ACTION: Final rules.

**SUMMARY:** The Board adopts its 2003 User Fee Update and revises its fee schedule at this time to recover the costs associated with the January 2003 Government salary increases and to recover increased **Federal Register** costs to the Board.

**EFFECTIVE DATE:** These rules are effective September 24, 2003.

**FOR FURTHER INFORMATION CONTACT:** David T. Groves, (202) 565–1551, or Anne Quinlan, (202) 565–1727. [TDD

for the hearing impaired: 1–800–877–8339.]

**SUPPLEMENTARY INFORMATION:** The Board's regulations in 49 CFR 1002.3 require the Board's user fee schedule to be updated annually. The Board's regulation at 49 CFR 1002.3(a) provides that the entire fee schedule or selected fees can be modified more than once a year, if necessary. The Board's fees are revised based on the cost study formula set forth at 49 CFR 1002.3(d). Also, in some previous years, selected fees were modified to reflect new cost study data or changes in agency fee policy.

Because Board employees received a salary increase of 4.27% in January 2003, we are updating our user fees to recover the increased personnel costs. With certain exceptions, all fees will be updated based on our cost formula contained in 49 CFR 1002.3(d). In addition, the cost to publish data in the **Federal Register** increased last year, so we are revising the fees to give consideration to that increase.

The fee increases involved here result only from the mechanical application of the update formula in 49 CFR 1002.3(d), which was adopted through notice and comment procedures in *Regulations Governing Fees for Services-1987 Update*, 4 I.C.C.2d 137 (1987). In addition, no new fees are being proposed in this proceeding. Therefore, we find that notice and comment are unnecessary for this proceeding. See *Regulations Governing Fees For Services-1990 Update*, 7 I.C.C.2d 3 (1990); *Regulations Governing Fees For Services-1991 Update*, 8 I.C.C.2d 13 (1991); and *Regulations Governing Fees For Services-1993 Update*, 9 I.C.C.2d 855 (1993).

We conclude that the fee changes adopted here will not have a significant economic impact on a substantial number of small entities because the Board's regulations provide for waiver of filing fees for those entities that can make the required showing of financial hardship.

Additional information is contained in the Board's decision. To obtain a copy of the full decision, write, call, or pick up in person from the Board's contractor, Da-To-Da Legal, Suite 405, 1925 K Street, NW, Washington, DC 20006. Telephone: (202) 293–7776. [Assistance for the hearing impaired is available through TDD services 1–800–877–8339.]

#### List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information, User fees.

Decided: August 18, 2003.