amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than April 11, 1967, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[seal] Grenville L. Millard, Jr.,
Assistant Secretary.

[F.R. Doc. 67-2703; Filed, Mar. 10, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

HURON ISLANDS AND SENEY UNITS

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88^577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on May 10, 1967, at the Northern Michigan University Center, Marquette, Mich., on studies leading to recommendations to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including the Huron Islands and Seney Wilderness Study Areas in the National Wilderness Preservation System. The Units consist of approximately 147 acres and 20,000 acres within the Huron Islands and Seney National Wildlife Refuges located in Marquette and Schoolcraft Comities, Mich., respectively.

A brochure, containing a map and information about the Huron Islands and Seney Wilderness Units may be obtained from the Refuge Manager of Seney National Wildlife Refuge, Seney, Mich. 49883, or the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written commente for inclusion in the official record of the hearing to the Regional Director at the above address by May 10,1967.

John S. Gottschalk,
Director, Bureau of Sport Fisheries and Wildlife.

March 8, 1967.

[F.R. Doc. 67-2721; Piled, Mar. 10, 1967; 8:48 a.m.]

Office of the Secretary

NATIVE FISH AND WILDLIFE

Endangered Species

In accordance with section 1(c) of the Endangered Species Preservation Act oJ October 15, 1966 (80 Stat. 926; 16 U.S.C 668aa(c)) I find after consulting the States, interested organizations, and individual scientists, that the following listed native fish and wildlife are threatened with extinction.

Mammals:

Indiana Bat—*Myotis sodalis.*
Delmarva Peninsula Pox Squirrel—*Sciurut niger cinereus.*
Timber Wolf—*Canis lupus lycaon.*
Red Wolf—*Canis niger.*
San Joaquin Kit Fox—*Vulpes macrotis mutica.*
Grizzly Bear—*Ursus horribilis.*
Black-Footed Ferret—*Mustela nigripes.*
Florida Panther—*Felis concolor coryi.*
Caribbean Monk Seal—*Monachus tropicalis.*
Guadalupe Fur Seal—*Arctocephalus philippi townsendi.*
Florida Manatee or Florida Sea Cow—*Trichechus manatus latirostris.*
Key Deer—*Odocoileus virginianus clavium.*
Columbian White-Tailed Deer—*Odocoileus virginianus leucurus.*
Sonoran Pronghorn—*Antilocapra americana sonoriensis.*

Birds:

Hawaiian Dark-Rumped Petrel—*Pterodroma phaeopygia sandwichensis.*
Hawaiian Goose (Nene)—*Branta sandvicensis.*
Aleutian Canada Goose—*Branta canadensis leucopareia.*
Tule White-Fronted Goose—*Anser albifrons gambelli.*
Laysan Duck— *Anas laysanensis.*
Hawaiian Duck (or Koloa)—*Anas wyvilliana.*
Mexican Duck—*Anas diazi.*
California Condor—*Gymnogyps californianus.*
Florida Everglade Kite (Florida Snail Kite)—*Rostrhamus sociabilis plumbeus.*
Hawaiian Hawk (or XI)—*Buteo solitarius.*
Southern Bald Eagle—*Haliaeetus l. leucocephalus.*
Attwater's Greater Prairie Chicken—*Tympanuchus eupido attwateri.*
Masked Bobwhite—*Colinus virginianus ridgwayi.*
Whooping Crane—*Grus americana.*
Yuma Clapper Rail—*Rallus longirostris yumanensis.*
Hawaiian Common Gallinule—*Gallinula chloropus sandvicensis.*
Eskimo Curlew—*Numenius borealis.*
Puerto Rican Parrot—*Amazona vittata.*
American Ivory-Billed Woodpecker—*Campephilus p. principalis.*
Hawaiian Crow (or Alala)—*Corvus tropicus.*
Small Kauai Thrush (Puaiohi)—*Phaeornia palmeri.*
Nihoa Millerbird—*Acrocephalus kingi.*
Kauai Oo (or Oo Aa)—*Moho braccatus.*
Crested Honeycreeper (or Akohekohe)—*Palmeria dolei.*
Akiapolaau—*Hemignathus wilsoni.*
Kauai Akialoa—*Hemignathus procerus.*
Kauai Nukupuu—*Hemignathus lucidus hanapepe.*
Laysan Finchbill (Laysan Finch)—*Psittirostra c. cantans.*
Nihoa Finchbill (Nihoa Finch)—*Psittirostra cantans ultima.*
Ou—*Psittirostra psittacea.*
Palila—*Psittirostra bailleui.*
Maui Parrotbill—*Pseudonestor xanthophrys.*
Bachman's Warbler—*Vermivora bachmanii.*
Kirtland's Warbler—*Dendroica Kirtlandii.*
Dusky Seaside Sparrow—*Ammospiza nigrescens.*
Cape Sable Sparrow—*Ammospiza mirabilis.*

Reptiles and Amphibians:

American Alligator—*Alligator mississippiensis.*
Blunt-Nosed Leopard Lizard—*Crotaphytus wislizenii silus.*
San Francisco Garter Snake—*Thamnophis sirtalis tetrataenia.*
Santa Cruz Long-Toed Salamander—*Ambystoma macrodactylum croceum.*
Texas Blind Salamander—*Typhlomolge rathbuni.*
Black Toad, Inyo County Toad—*Bufo exsul.*

Fishes:

Shortnose Sturgeon—*Acipenser breviro-strum.*
Longjaw Cisco—*Coregonus alpenae.*
Piute Cutthroat Trout—*Salmo clarki seleniris.*
Greenback Cutthroat Trout—*Salmo clarki stomias.*
Montana Westslope Cutthroat Trout—*Salmo clarki.*
Gila Trout—*Salmo gilae.*
Arizona (Apache) Trout—*Salmo sp.*
Desert Dace—*Eremichthys acros.*
Humpback Chub—*Gila cypha.*
Little Colorado Spinedace—*Lepidomeda vittata.*
Moapa Dace—*Moapa coriacea.*
Colorado River Squawfish—*Ptychocheilus Indus.*
Cui-ui—*Chasmistes cujus.*
Devils Hole Pupfish—*Cyprinodon diabolis.*
Commanche Springs Pupfish—*Cyprinodon elegans.*
Owens River Pupfish—*Cyprinodon radiosus.*
Pahrump Killifish—*Empetrichythys latos.*
Big Bend Gambusia—*Gambusia gaigei.*
Clear Creek Gambusia—*Gambusia heterochir.*
Gila Topminnow—*PoecUiopsis occidentalis.*
Maryland Darter—*Etheostoma sellare.*
Blue Pike—*Stizostedion vitreum glaucum.*

Stewart L. Udall,
Secretary of the Interior.

February 24, 1967.

[F.R. Doc. 67-2758; Filed, Mar. 10, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16944, 16945; FCC 67M-368]

PRAIRIELAND BROADCASTERS AND RICHARD P. LAMOREAUX

Order Rescheduling Prehearing Conference

In re applications of Stephen P. Bellinger, Joel W. Townsend, Ben H. Townsend, Morris E. Kemper, and James A. Mudd, doing business as Prairieland Broadcasters, Monmouth, HI., Docket No. 16944, File No. BHP-5296; Richard P. Lamoreaux, Monmouth, 111., Docket No. 16945, File No. BPH-5441; for construction permits.

On the Hearing Examiner's own motion, and with the consent of all parties: *It is ordered,* This 3d day of March 1967, that the prehearing conference in the above-entitled matter presently sched-

uled for March 8,1967, at 9 a.m. Is hereby rescheduled for March 15,1967, at 2 p.m.

Released: March 6,1967.

Federal Communications Commission,
[seal] Ben F. Waple,
Secretary.

[F.R. Doc. 67-2712; Filed, Mar. 10, 1967; 8:47 a.m.]

[Docket Nos. 16942, 17073; FCC 67–240]

CARTER ELECTRONICS CORP. ET AL.

Memorandum Opinion and Order Assigning Matter for Public Hearing and Consolidating Proceedings

In the matter of use of the Carterphone Device in Message Toll Telephone Service, Docket No. 16942; in the matter of Thomas F. Carter and Carter Electronics Corp., Dallas, Tex., Complainants, v. American Telephone and Telegraph Co., Associated Bell System Cos., Southwestern Bell Telephone Co., and General Telephone Co. of the Southwest (see Appendix), Defendants, Docket No. 17073.

1. The Commission has before it for consideration:

(a) The above-captioned formal complaint in Docket No. 17073, filed on December 21, 1966, pursuant to Section 208 of the Communications Act of 1934, by the above-named complainants against the above-named defendants; an answer to the complaint filed January 13, 1967, by defendants American Telephone and Telegraph Co., Associated Bell System Cos., and Southwestern Bell Telephone Co. (Bell System); an answer to the complaint filed January 13, 1967, by General Telephone Co. of the Southwest (General); and

(b) A motion to consolidate filed by complainants on December 21, 1966, requesting that the hearing on the complaint in Docket No. 17073 be consolidated with the above-captioned proceeding in Docket No. 16942; and

(c) A motion to enlarge the issues filed by complainants on December 21, 1966, requesting that the issues in Docket No. 16942 be enlarged to cover the issues raised by the complainants in Docket No. 17073; an opposition thereto filed January 5, 1967, by the Bell System defendants; an opposition thereto filed January 5, 1967, by General; and

(d) A request for special relief and opposition to motion for consolidation filed January 17, 1967, by General; a reply thereto filed January 23, 1967, by complainants; an ■opposition thereto filed January 25, 1967, by National Retail Merchants Association (NRMA), an intervenor in Docket No. 16942; and an opposition thereto filed January 31, 1967, by the Central Committee on Communication Facilities of the American Petroleum Institute (API), an intervenor in Docket No. 16942.

2. On October 20, 1966, the Commission, on its own motion, ordered the above-captioned investigation and hearing (Docket No. 16942) into the lawfulness of the regulations published in American Telephone and Telegraph Co., Tariff FCC No. 132 which are construed and applied by the telephone companies to prohibit the attachment of the Carterphone (or Carterfone) device to the facilities of telephone companies for use in connection with interstate and foreign message toll telephone services, 5 FCC 2d 360.

3. The foregoing action was taken by the Commission following a decision of the U.S. Court of Appeals for the Fifth Circuit in Carter, et al. v. American Telephone and Telegraph Co., 365 F. 2d 486, August 17, 1966, in which that Court affirmed a decision of the lower court in a private antitrust action whereby the lower court denied o, requested preliminary injunction and invoked the doctrine of primary jurisdiction by referring to this Commission for resolution the question of the justness, reasonableness, validity and effect of the aforesaid tariff regulations as they relate to the use of the Carterfone. In making this reference, the lower court, in its decision of February 8, 1966, stated that "jurisdiction remains in the Court to pass ultimately upon the antitrust issues" involved in the private antitrust action, 250 F. Supp. 188, 192.

4. At the time of the Commission's action of October 20, 1966, no formal complaint had been filed with the Commission raising any question as to the lawfulness of the aforesaid tariff regulations for any past period. The only question before the Commission at that time was that expressed by the Court of Appeals, in the above-cited case, as follows;:

> What we do say is that inescapably presented is the question whether the practice permitted, indeed required, by Tariff No. 132 is lawful (365 F. 2d 486, 497).

The Commission was, therefore, concerned at that time with the question of the application and lawfulness of such tariff regulations that were currently in effect and with whether the Commission should prescribe any changes therein for the future. The issues in Docket No. 16942 were accordingly framed so as to permit the resolution of these questions.

5. On December 21, 1966, the above-named complainants filed for the first time with us a formal complaint (Docket No. 17073) pursuant to section 208 of the Act, against the above-named defendants challenging the validity of the aforesaid tariff regulations for a past period, namely, from February 6, 1957, to the time of the filing of the complaint. During this, past period, defendants allegedly were applying such tariff regulations so as to bar the use of the Carterfone. Complainants point out, among other things, that the tariff language that was in effect from February 6, 1957, to April 10, 1966, was different from that which now appears in the tariffs and they infer that any resolution by the Commission of the question of the lawfulness of such tariff regulations for the present and for the future would not be determinative of the question of the lawfulness thereof for such past period.

6. We agree that the issues as now framed in Docket No. 16942 are not directly concerned with the past lawfulness of the tariff regulations in question. We believe that the complaint fairly raises questions as to the lawfulness of such tariff provisions for the past period during which the defendants allegedly have barred the use of the Carterfone on the basis of such regulations and that such questions should be resolved. We shall, therefore, designate the complaint Tor hearing on issues that will permit complainants and defendants to adduce material and competent evidence relevant to the question of whether such tariffs were unjust or unreasonable (section 201(b) of the Act), or unlawfully discriminatory or preferential (section 202(a) of the Act) during the period from February 6, 1957, to the time of the filing of the complaint.

7. Complainants also request specific issues with respect to whether such tariffs have been in violation of sections 1 and 2 of the Sherman Act (15 U.S.C. 1, et seq.) but we decline to do so for two reasons. First, under the section 201(b) issue, which we shall specify, the Commission may consider the justness and reasonableness of the tariff regulations in the light of the many relevant factors, including any alleged antitrust violations. Secondly, as heretofore stated, the lower court, in ordering reference to the Commission for determination of the justness, reasonableness, validity and effect of the tariffs, specifically reserved to itself the jurisdiction to pass ultimately on the antitrust issues. Complainants also ask for an issue as to whether the tariffs have complied in the past with § 61.55 of our rules requiring tariffs to be clear, specific and definite. We see no need for this issue inasmuch as any actual ambiguity that may have existed in the tariffs during the past period would have to be construed against the framer and favorably to the user, Commodity News Service, Inc., et al. v. The Western Union Telegraph Co., 29 FCC 1203, 1213, 1214; WSAZ, Inc. v. A.T. & T., 31 FCC 175, 194. Complainants also ask that issues be specifically stated as to the alleged past public need and demand for the Carterfone, as well as the alleged past usage effects of that device. However, such issues are unnecessary since competent and material evidence in these areas may be considered under the section 201(b) issue of justness and reasonableness.

8. Complainants do not ask the Commission to award monetary damages, for any of the alleged violations of the provisions of the Communications Act set forth in the complaint. They ask instead that the Commission certify its findings to the lower court in which the private antitrust action is stayed for the use of such court therein in resolving that action, including such damages as might be awardable therein. Section 208 of the Act, 47 U.S.C. 208, and our implementing rules, permit the submission of complaints seeking adjudication of past alleged violations of the Act even thougn monetary damages are not sought. our rules further provide that, if the Com-