

had employment of 999 or fewer employees, and an additional 17 firms had employment of 1,000 employees or more.¹⁷ Thus, under this category and associated small business size standard, the great majority of firms can be considered small. For the census category Cellular and Other Wireless Telecommunications firms, Census Bureau data for 1997 show that there were 977 firms in this category, total, that operated for the entire year.¹⁸ Of this total, 965 firms had employment of 999 or fewer employees, and an additional 12 firms had employment of 1,000 employees or more.¹⁹ Thus, under this second category and size standard, the great majority of firms can, again, be considered small.

The SBA has established a small business size standard for *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing*. Under this standard, firms are considered small if they have 750 or fewer employees.²⁰ Census Bureau data for 1997 indicate that, for that year, there were a total of 1,215 establishments in this category.²¹ Of those, there were 1,150 that had employment under 500, and an additional 37 that had employment of 500 to 999. Thus, under this size standard, the majority of establishments can be considered small.

Satellite Telecommunications. The SBA has developed a small business size standard for Satellite Telecommunications Carriers, which consists of all such companies having \$12.5 million or less in annual receipts.²² In addition, a second SBA size standard for Other Telecommunications includes "facilities operationally connected with one or more terrestrial communications systems and capable of transmitting telecommunications to or receiving

telecommunications from satellite systems,"²³ and also has a size standard of annual receipts of \$12.5 million or less. According to Census Bureau data for 1997, there were 324 firms in the category Satellite Telecommunications, total, that operated for the entire year.²⁴ Of this total, 273 firms had annual receipts of \$5 million to \$9,999,999 and an additional 24 firms had annual receipts of \$10 million to \$24,999,999.²⁵ Thus, under this size standard, the majority of firms can be considered small. In addition, according to Census Bureau data for 1997, there were 439 firms in the category Satellite Telecommunications, total, that operated for the entire year.²⁶ Of this total, 424 firms had annual receipts of \$5 million to \$9,999,999 and an additional 6 firms had annual receipts of \$10 million to \$24,999,999.²⁷ Thus, under this second size standard, the majority of firms can be considered small.

As no party currently is permitted to market or operate the proposed UWB standards, there will not be any impact on any small entities. On the other hand, the proposed change in the limit on peak power levels may relax the current emission limit for wideband transmission systems. The Commission does not have an estimated number for the small entities that may produce such products but believes that there are only a few in existence.

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

Part 15 transmitters are already required to be authorized under the Commission's certification procedure as a prerequisite to marketing and importation. The reporting and recordkeeping requirements associated with these equipment authorizations would not be changed by the proposals contained in this Notice. These changes to the regulations would permit the introduction of an entirely new category of radio transmitters. The change in the method of measuring peak power for wideband transmitters will result in a slight relaxation of the peak power limit standard on these devices.

²³ *Id.* NAICS code 517910 (formerly 513390).

²⁴ U.S. Census Bureau, 1997 Economic Census, Subject Series: Information, "Receipt Size of Firms Subject to Federal Income Tax: 1997," Table 4, NAICS code 517410 (issued Oct. 2000).

²⁵ *Id.*

²⁶ U.S. Census Bureau, 1997 Economic Census, Subject Series: Information, "Receipt Size of Firms Subject to Federal Income Tax: 1997," Table 4, NAICS code 517910 (issued Oct. 2000).

²⁷ *Id.*

E. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): "(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities."²⁸

The standards proposed in this proceeding are based on equipment performance and not on equipment design. As no party currently is permitted to market or operate the proposed UWB standards, there will not be any impact on any small entities. On the other hand, the proposed change in the limit on peak power levels may relax the current emission limit for wideband transmission systems.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

None.

9. *Request for Comments:* This is a permit-but-disclose notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. See generally 47 CFR 1.1202, 1.1203, and 1.2306(a).

10. Pursuant to §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before July 21, 2003, and reply comments on or before August 20, 2003. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), <http://www.fcc.gov/e-file/ecfs.html>, or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 23121 (1998).

11. Comments filed 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

²⁸ 5 U.S.C. 603(c)(1) through (c)(4).

Firms Subject to Federal Income Tax: 1997," Table 5, NAICS code 513321 (issued Oct. 2000).

¹⁷ *Id.* The census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is "Firms with 1,000 employees or more."

¹⁸ U.S. Census Bureau, 1997 Economic Census, Subject Series: Information, "Employment Size of Firms Subject to Federal Income Tax: 1997," Table 5, NAICS code 513322 (issued Oct. 2000).

¹⁹ *Id.* The census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is "Firms with 1,000 employees or more."

²⁰ 13 CFR 121.201, NAICS code 334220.

²¹ U.S. Census Bureau, 1997 Economic Census, Industry Series: Manufacturing, "Industry Statistics by Employment Size," Table 4, NAICS code 334220 (issued August 1999).

²² 13 CFR 121.201, North American Industry Classification System (NAICS) code 517410 (formerly 513340).