

I. Procedural Matters

A. Regulatory Flexibility Act Analysis

4. A Final Regulatory Flexibility Analysis (FRFA) with respect to the *Report and Order*, pursuant to the Regulatory Flexibility Act (RFA), is contained below. The Commission's Consumer Information Bureau, Reference Information Center, will send a copy of this *Report and Order*, including the FRFA, to the Chief Counsel of the Small Business Administration in accordance with the RFA.

B. Paperwork Reduction Act of 1995 Analysis

5. This Report and Order does not contain either a proposed or modified information collection.

II. Final Regulatory Flexibility Analysis

6. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603 (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *MO&O and NPRM* in this proceeding. The Commission sought written public comments on the proposals in those proceedings, including on the IRFA. The Commission's Final Regulatory Flexibility Analysis (FRFA) for the *Report and Order (R&O)* conforms to the RFA.

A. Need For and Purpose of This Action

7. This *R&O* furthers the Commission's continuing efforts to eliminate and/or modify regulations in part 101 that are duplicative, outmoded, or otherwise unnecessary. This action will (1) clarify the existing rules so they are easier to understand, (2) facilitate the awarding of licenses more quickly, and (3) eliminate unnecessary regulation.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

8. Commenters did not file any comments in direct response to the IRFA. Some commenters, however, raised issues that may be of particular concern to small entities. The specific suggestions, modifications, and deletions have been discussed above. We have reviewed the comments to determine the impact of the decisions set forth herein on small entities.

C. Description and Estimate of the Number of Small Entities to Which the Rules Apply

9. The rules will affect all common carrier and private operational fixed microwave licensees who are authorized

under part 101 of the Commission's Rules. The Commission has not developed a definition of small entities applicable to these licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules for the radiotelephone industry, which provides that a small entity is a radiotelephone company employing fewer than 1,500 persons. The 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available, shows that 12 radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. With respect to these entities, we note that the effect will be to lessen time and input and thereby any costs associated with processing their applications.

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

10. There is only one new reporting requirement adopted in this *R&O*. We are amending § 101.31(b) to require that an application for authority to operate a fixed station at temporary locations must specify the precise geographic area within which the operation will be confined. We will require that the area specified must be defined as a radius of operation about a given state or states, latitude/longitude, or as a rectangular area bounded by upper and lower lines of latitude and longitude. This requirement previously was in our rules and inadvertently deleted during recodification. Nothing in the record indicates that the requirement was, or will be, burdensome to small entities. Other than this, we have amended the fixed microwave rules to make them less burdensome and clarified the language of some of the rules.

E. Significant Alternatives Considered

11. The comments offered various alternatives for modification of proposals contained in the notice of proposed rule making portion of the *MO&O and NPRM*. An additional alternative was to maintain the *status quo*. Generally, the comments supported the proposals, but offered changes to make the rules more clear and accurate. Some of the suggested modifications are contained in the final rules. Aside from the amendment of § 101.31 highlighted above, the rules impose no additional regulatory burdens. The Commission will continue to examine alternatives in the future with the objective of eliminating unnecessary regulations and

minimizing economic impact on small business entities.

F. Commission's Outreach Efforts To Learn of and Respond to the Views of Small Entities Pursuant to 5 U.S.C. 609

12. In this proceeding, the Commission has taken several steps to learn and respond to the views of small entities. Throughout the course of this proceeding, representatives of the Public Safety and Private Wireless Division (PSPWD) of the Wireless Telecommunications Bureau have had numerous discussions with the representatives of small entities. The staff of the Licensing and Technical Analysis Branch of the PSPWD in Gettysburg, Pennsylvania routinely respond to questions posed by the representatives of small entities and, when appropriate, refer issues arising from those questions to PSPWD staff in Washington, DC for determination of whether a rule change or clarification will benefit the small entities posing the questions.

G. Report to Congress

13. The Commission shall send a copy of this Final Regulatory Flexibility Analysis, along with the *Report and Order*, in a report to Congress pursuant to section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A). A copy of this FRFA will also be published in the **Federal Register**.

III. Ordering Clauses

14. Accordingly, pursuant to sections 1, 2, 4(i), 5(c), 7(a), 11(b), 301, 302, 303, 307, 308, 309(j), 310, 312a, 316, 319, 323, 324, 332, 333, 336, 337, and 351 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 155(c), 157(a), 161(b), 301, 302, 303, 307, 308, 309(j), 310, 312a, 316, 319, 323, 324, 332, 333, 336, 337, 351, and §§ 1.421 and 1.425 of the Commission's Rules, 47 CFR 1.421, 1.425, the *Report and Order* in this proceeding is hereby adopted.

15. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the U.S. Small Business Administration.

List of Subjects in 47 CFR Part 101

Communications equipment, Marine safety, Radio, Reporting and recordkeeping requirements.