

earth stations receiving from non-U.S.-licensed satellites authorized to provide service to the United States because they have been placed on the Permitted List are no longer required to be licensed. For more on the Permitted List, see 64 FR 61791, Nov. 15, 1999.

*Regulatory Flexibility Analysis: Final Regulatory Flexibility Certification.* The Regulatory Flexibility Act of 1980, as amended (RFA)<sup>1</sup> requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that "the rule will not have a significant economic impact on a substantial number of small entities."<sup>2</sup> The RFA generally defines "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."<sup>3</sup> In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.<sup>4</sup> A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).<sup>5</sup>

In this Second Report and Order in IB Docket No. 02-34, the Commission adopts a streamlined procedure for space station license modification applications. The effect of these rule revisions is to reduce the administrative burdens associated with requesting space station modifications. In this Second Report and Order in IB Docket No. 00-248, the Commission eliminates a licensing requirement for certain receive-only earth stations. This will reduce the administrative burdens of those receive-only earth station owners. We expect that these changes will be minimal and positive. Therefore, we certify that the requirements of these Second Reports and Orders will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the Second Reports and Orders, including a copy of this final certification, in a report to Congress pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A). In addition, the Second Reports and Orders and this

certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**. See 5 U.S.C. 605(b).

#### Ordering Clauses

Accordingly, *it is ordered*, pursuant to Sections 4(i), 7(a), 11, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 161, 303(c), 303(f), 303(g), 303(r), that this Second Report and Order is hereby adopted.

*It is further ordered* that Part 25 of the Commission's rules is amended as set forth below. These rule revisions contain new or modified information collections that have not been approved by OMB. The Commission will publish a document in the **Federal Register** announcing the effective date of these rules.

*It is further ordered* that the revisions to part 25 adopted in this Second Report and Order and set forth below are contingent upon approval by the Office of Management and Budget.

*It is further ordered* that the Consumer Information Bureau, Reference Information Center, shall send a copy of this Order, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

*It is further ordered*, pursuant to § 0.261(a)(15) and § 1.2 of the Commission's rules, 47 CFR 0.261(a)(15), 1.2, that the Motion for Clarification and Declaratory Ruling filed by Home Box Office on January 4, 2000, is denied in part, to the extent indicated above.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 25 as follows:

#### PART 25—SATELLITE COMMUNICATIONS

■ 1. The authority citation for part 25 continues to read as follows:

**Authority:** 47 U.S.C. 701-744. Interprets or applies sections 4, 301, 302, 303, 307, 309, and 332 of the Communications Act, as amended, 47 U.S.C. sections 154, 301, 302, 303, 307, 309, 332, unless otherwise noted.

■ 2. Amend § 25.117 by revising paragraph (d)(1) and adding (d)(3), to read as follows:

#### § 25.117 Modification of station license.

\* \* \* \* \*

(d)(1) Except as set forth in § 25.118(e), applications for modifications of space station authorizations shall be filed in accordance with § 25.114, but only those items of information listed in § 25.114 that change need to be submitted, provided the applicant certifies that the remaining information has not changed.

\* \* \* \* \*

(3) In the event that a space station licensee provides notification of a planned license modification pursuant to § 25.118(e), and the Commission finds that the proposed modification does not meet the requirements of § 25.118(e), the Commission will issue a public notice announcing that the proposed license modification will be considered pursuant to the procedure specified in paragraphs (d)(1) and (d)(2) of this section.

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■ 3. Amend § 25.118 by adding paragraph (c)(6), revising paragraph (d) and adding paragraph (e) to read as follows:

#### § 25.118 Modifications not requiring prior authorization.

\* \* \* \* \*

(c) \* \* \*

(6) Earth station operators may change their points of communication without prior authorization, provided that the change results from a space station license modification described in paragraph (e) of this section, and the earth station operator does not re-point its antenna.

(d) Earth station licensees must notify the Commission using FCC Form 312 within 30 days after a modification described in paragraph (c) of this section is completed.

(e) *Space Station Modifications.* A space station operator other than a Direct Broadcast Service (DBS) or a Digital Audio Radio Service (DARS) satellite operator may modify its license without prior authorization, but upon 30 days prior notice to the Commission and any potentially affected licensed spectrum user, provided that the operator meets the following requirements:

(1) The space station licensee will relocate a Geostationary Satellite Orbit (GSO) space station to another orbit location that is assigned to that licensee;

(2) The relocated space station licensee will operate with the same technical parameters as the space station initially assigned to that location, or within the original satellite's authorized and/or coordinated parameters;

<sup>1</sup> The RFA, see 5 U.S.C. 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>2</sup> 5 U.S.C. 605(b).

<sup>3</sup> 5 U.S.C. 601(6).

<sup>4</sup> 5 U.S.C. 601(3) (incorporating by reference the definition of "small business concern" in Small Business Act, 15 U.S.C. 632).

<sup>5</sup> Small Business Act, 15 U.S.C. 632.