

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket Nos. 02–34 and 00–248, FCC 03–154]

Satellite Licensing Procedures

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopts revisions to a new filing form for satellite license applications, entitled “Schedule S,” and a streamlined filing form for routine earth station license applications, entitled “Form 312 EZ.” The Commission also clarifies several rules related to the Commission’s information requirements for satellite and earth station licenses. These actions are necessary to facilitate compliance with the information requirements applicable to satellite and earth station license applicants.

DATES: The rule revisions contain information requirements that have not been approved by OMB. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date of these rules.

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SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Third Report and Order, IB Docket Nos. 02–34 and 00–248, FCC 03–154, adopted June 26, 2003, and released July 8, 2003. The complete text of this Third Report and Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room), 445 12th Street, SW., Washington, DC 20545, and also may be purchased from the Commission’s copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898 or via email qualexint@lol.com. It is also available on the Commission’s Web site at <http://www.fcc.gov>

Paperwork Reduction Act Analysis

The actions taken in the Third Report and Order have been analyzed with respect to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, and found to impose new or modified reporting requirements or burdens on the public. Implementation of these new

or modified reporting and recordkeeping requirements will be subject to approval by the Office of Management and Budget (OMB) as prescribed by the PRA, and will go into effect upon announcement in the **Federal Register** of OMB approval.

Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act (RFA),¹ Initial Regulatory Flexibility Analyses (IRFAs) were incorporated in the *Space Station Reform NPRM* in IB Docket No. 02–34,² and the *Part 25 Earth Station Streamlining NPRM* in IB Docket No. 00–248.³ The Commission sought written public comment on the proposals in the NPRM, including comment on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.⁴

Need for, and Objectives of, the Report and Order: The objective of the rules proposed in the *Space Station Reform NPRM* and First R&O is to enable the Commission to process applications for satellite licenses more quickly than it can under its current rules. These rule revisions are needed because delays in the current satellite licensing process may impose economic costs on society, and because recent changes in the International Telecommunication Union procedures require us to issue satellite licenses more quickly in order to meet U.S. international treaty obligations. In addition, the current satellite licensing process is not well suited to some satellite systems employing current technology. Finally, revision of the satellite licensing process will facilitate the Commission’s efforts to meet its spectrum management responsibilities. By establishing a standardized form for space station applications, the Commission will be able to review and act on those applications more quickly than is now possible.

The objective of the *Part 25 Earth Station Streamlining NPRM* is to repeal or modify any rules in Part 25 that are no longer necessary in the public

interest, as required by section 11 of the Communications Act of 1934, as amended. Section 11 was added to the Communications Act by the Telecommunications Act of 1996, which requires the Commission in every even-numbered year beginning in 1998 to review all regulations that apply to the operations or activities of any provider of telecommunications service and to determine whether any such regulation is no longer necessary in the public interest due to meaningful economic competition. By adopting a streamlined form for routine earth station license applications, we modify some earth station information requirements that are no longer necessary in the public interest.

Summary of Significant Issues Raised by Public Comments In Response to the IRFAs: No comments were submitted directly in response to the IRFAs.

Description and Estimate of the Number of Small Entities To Which Rules Will Apply: The RFA directs agencies to provide a description of, and, where feasible, an estimate of, the number of small entities that may be affected by the proposed rules, if adopted.⁵ The RFA generally defines the term “small entity” “as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁶ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁷ 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).⁸ A small organization is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”⁹ Nationwide, as of 1992, there were approximately 275,801 small organizations.¹⁰ “Small governmental jurisdiction” generally

⁵ 5 U.S.C. 603(b)(3).

⁶ Id. 601(6).

⁷ 5 U.S.C. 601(3) (incorporating by reference the definition of “small business concern” in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.” 5 U.S.C. 601(3).

⁸ Small Business Act, 15 U.S.C. 632 (1996).

⁹ 5 U.S.C. 601(4).

¹⁰ 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration).

¹ See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

² Amendment of the Commission’s Space Station Licensing Rules and Policies, *Notice of Proposed Rulemaking*, IB Docket No. 02–34, 67 FR 12485 (Mar. 19, 2002).

³ 2000 Biennial Regulatory Review—Streamlining and Other Revisions of Part 25 of the Commission’s Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations, *Notice of Proposed Rulemaking*, IB Docket No. 00–248, 66 FR 1283 (Jan. 8, 2000).

⁴ See 5 U.S.C. 604.