

4913 TV translators.²⁷ The FCC does not collect financial information on any broadcast facility and the Department of Commerce does not collect financial information on these auxiliary broadcast facilities. We believe, however, that most, if not all, of these auxiliary facilities could be classified as small businesses by themselves. We also recognize that most translators and boosters are owned by a parent station which, in some cases, would be covered by the revenue definition of small business entity as discussed previously. These stations would likely have annual revenues that exceed the SBA maximum to be designated as a small business (as noted, either \$6.0 million for a radio station or \$12.0 million for a TV station). Furthermore, they do not meet the Small Business Act's definition of a "small business concern" because they are not independently owned and operated.

4. *Microwave Services.* Microwave services include common carrier,²⁸ private-operational fixed,²⁹ and broadcast auxiliary radio services.³⁰ The proposed rules could affect all common carrier and private operational fixed microwave licensees who are authorized under Part 101 of the Commission's Rules. There is currently no definition of small entities applicable to these specific licensees. Therefore, the applicable small business size standard is the SBA size standard for "Cellular and Other Wireless Telecommunications," which provides that a small entity in this category is one employing no more than 1,500 persons.³¹ For 1997, there were 2,872 firms in this category, total, which operated for the entire year. Of this

total, only 25 had 1,000 or more employees.³²

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements: The rules adopted in this Order are not expected to result in any overall increase in the reporting, recordkeeping and other compliance requirements of any licensee. The new reporting requirements we adopt in this Order are generally minor, such as providing slightly more detail in the power flux density (PFD) information space station license applicants are already required to provide. These increases should be offset at least in part by the fact that standardizing some information requirements should make it easier to provide that information.

Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered: In this Order, we adopt a streamlined earth station application form designed to reduce the economic impact on all earth station applicants, including small entities.

We considered and rejected a proposal to eliminate our space station application information requirements and rely instead on information submitted to the ITU because we have no direct control over those information requirements and there is no guarantee that information submitted to the ITU rules will be adequate for U.S. operations.

Report to Congress: The Commission will send a copy of this Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of this Order, including FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this Order and FRFA (or summaries thereof) will also be published in the **Federal Register**. See 5 U.S.C. 604(b).

Summary of Report and Order

In this Third Report and Order, the Commission adopts two new filing forms. One form is Schedule S, which standardizes and consolidates much of the information required in satellite applications. The Commission adopts Schedule S as it was proposed in the Notice of Proposed Rulemaking, 67 FR 12498, Mar. 19, 2002, with the following exceptions: (1) On Tables S11, S12, and S13, the Commission eliminated some duplicative information requests, and rearranged the remaining information

requests on those tables so that they flow better; (2) specified a format for antenna gain contour diagrams for geostationary orbit (GSO) satellite applications only, not for non-geostationary orbit (GSO) satellite applications; and (3) provides a column for power flux density (PFD) reference bandwidth. Direct Broadcast Satellite (DBS) and non-U.S.-licensed satellite operators seeking access to the U.S. market are required to use Schedule S. The other form adopted in the Third Report and Order in this proceeding is "Form 312EZ," a streamlined version of Form 312 for routine conventional C-band and Ku-band earth station applications. In addition, the Commission eliminates Form 701, and renames Form 405 as Form 312-R. The Commission delegates to the International Bureau authority to make revisions to its electronic filing system needed to implement these new forms.

The Commission also adopts mandatory electronic filing for routine earth station license applications, and comments and petitions to deny in response to all earth station license applications. The Commission clarifies its rules for earth station license modifications. Furthermore, the Commission revises its rules to allow earth station applicants to specify more than one frequency band, and to specify both common carrier and non-common carrier service. Finally, the Commission eliminates some outmoded rules.

Ordering Clauses

Accordingly, 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 Third Report and Order in IB Docket No. 02-34 and Third Report and Order in IB Docket No. 00-248 is hereby ADOPTED.

Part 25 of the Commission's rules is amended as set forth below.

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.

Authority is delegated to the Chief, International Bureau, as set forth in this Order.

The Consumer Information Bureau, Reference Information Center, *Shall* send a copy of this Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 25
Satellites.

²⁷ FCC News Release, *Broadcast Station Totals as of September 30, 1999*, No. 71831 (Jan. 21, 1999).

²⁸ See 47 CFR part 101 (formerly, part 21 of the Commission's Rules).

²⁹ Persons eligible under parts 80 and 90 of the Commission's rules can use Private Operational-Fixed Microwave services. See 47 CFR parts 80 and 90. Stations in this service are called operational-fixed to distinguish them from common carrier and public fixed stations. Only the licensee may use the operational-fixed station, and only for communications related to the licensee's commercial, industrial, or safety operations.

³⁰ Auxiliary Microwave Service is governed by part 74 of Title 47 of the Commission's Rules. See 47 CFR part 74 *et seq.* Available to licensees of broadcast stations and to broadcast and cable network entities, broadcast auxiliary microwave stations are used for relaying broadcast television signals from the studio to the transmitter, or between two points such as a main studio and an auxiliary studio. The service also includes mobile TV pickups, which relay signals from a remote location back to the studio.

³¹ 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4812.

³² U.S. Census Bureau, 1997 Economic Census, Subject Series: Information, "Employment Size of Establishments of Firms Subject to Federal Income Tax: 1997," Table 5, NAICS code 51332 (issued October 2000).