

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Amendment of the Commission's Rules for
Implementation of its Cable Operations And
Licensing System (COALS) to Allow for
Electronic Filing of Licensing Applications, Forms,
Registrations and Notifications in the Multichannel
Video and Cable Television Service and the Cable
Television Relay Service
CS Docket No. 00-78

REPORT AND ORDER

Adopted: March 13, 2003

Released: March 19, 2003

By the Commission:

I. INTRODUCTION

1. This Report and Order revises our rules governing the filing of the majority of forms filed by the public for the Multichannel Video and Cable Television Service ("MVCTS") and applications in the Cable Television Relay Service ("CARS").

II. BACKGROUND

2. The National Cable and Telecommunications Association (NCTA) was the only party that submitted comments in response to the Notice of Proposed Rule Making ("NPRM") in this proceeding.

1 The other forms are not affected. The other forms are those related to rate regulation—FCC Forms 328 and 1200 through 1240—and Open Video System ("OVS") certification.

2 Pub. L. No. 105-277, Title XVII, 112 Stat. 2681 (1998).

3 At the time comments were filed, NCTA was named the National Cable Television Association.

3. In this proceeding we reviewed our rules regarding information filed with the Commission and proposed modifications only where necessary to implement COALS. Our objective is to expedite processing and reduce costs to the Commission, cable operators, and the public by making the filing and review process faster and simpler. COALS will enable all MVPD applicants, licensees, and registrants (hereinafter referred to as "electronic filers"), for the first time, to file CARS license applications and several other voluminous filings electronically, thus increasing the speed and efficiency of the application and filing process. Filers will be charged normal fees for filing under COALS, but will save time and resources by filing electronically.

4. COALS currently makes CARS license and various MVPD information more accessible to and more usable by Commission staff in carrying out our regulatory responsibilities. This has enabled the Commission staff to speed up processing and to more easily monitor spectrum use and competitive conditions in the MVPD marketplace. It also promotes more effective implementation of our spectrum management and broadband policies.

5. By making COALS accessible via the Internet, we will now enhance the availability of cable system and other MVPD information to the industry and the public. These changes will benefit not only Commission licensees and regulatees, but also members of the public that have historically had little or no easy direct access to such information. COALS will allow persons seeking to obtain licensing information to search our database and retrieve the desired information. This will be more cost-effective, efficient, and responsive to the needs of the public than obtaining copies of Commission records manually from the Commission's copy contractor or the Commission's public reference rooms. The burdens of filing applications or obtaining information will likely be reduced. Commission orders, Public Notices, and other releases will continue to be available on the Internet without charge.

6. In the NPRM we asked for comment on the following issues and proposals:

- a) making electronic filing mandatory, or optional;
- b) modifying the MVCTS filings and CARS application forms to make filing less burdensome;
- c) consolidating and, in some cases, revising the rules that determine whether a change to a pending CARS application or existing CARS authorization is major or minor;
- d) amending return and dismissal procedures for defective or incomplete applications;
- e) standardizing the collection of information from MVPDs and CARS licensees;
- f) requiring the submission of a Taxpayer Identification Number ("TIN") or its functional equivalent by applicants and licensees using COALS, consistent with the requirements of the Debt Collection Improvement Act of 1996; and
- g) eliminating unnecessary or duplicative filing or notice requirements.

### III. DISCUSSION

#### A. Electronic Filing

7. With the introduction of COALS, we will have the ability to accept electronic filing of the forms, applications, registrations, and notifications most regularly used by MVPDs. We proposed that cable operators and other MVPDs filing forms, applications, registrations, and notifications have the option of filing electronically. Optional electronic filing for MVPDs is in the public interest because it will help to accomplish our goals of: (1) providing a smooth transition to mandatory use of COALS; (2) continually streamlining our filing process; (3) affording parties a quick and economical means to file applications and other documents; and (4) making all filed information quickly and easily available to interested parties and the public. We believe that the effect of this option on applicants and licensees will be beneficial. Indeed, COALS is intended to relieve the burdens on all filers of the time and cost of paper filings.

8. We proposed to require electronic filing after a transitional period, during which electronic filing would be optional. This is essentially the process that the Commission has followed, for example, in its wireless and mass media license application processes.<sup>4</sup> We provide for such a transitional period recognizing that some small cable operators serving rural areas may not have access to computers with the hardware or capability to utilize the software necessary to submit their applications electronically. As it was in the Broadcast Services context, electronic filing of each form will become mandatory six months after that form becomes available for filing electronically.<sup>5</sup>

9. NCTA objected to making use of COALS mandatory.<sup>6</sup> NCTA argues that most systems will find use of COALS an opportunity, but that the smallest systems may find it unduly burdensome. To address that concern, we will adopt a waiver process. The convenience and ease of use of COALS will result in a natural tendency toward electronic filing. Most filers will use it when it becomes available. A few filers, however, may have legitimate reasons for not using COALS. To avoid making the use of COALS unacceptably burdensome, we will allow filers to request a waiver of our electronic filing requirement. As with any request for a waiver of the Commission's Rules, "the applicant must be prepared to 'plead with particularity the facts and circumstances' warranting a waiver of our mandatory electronic filing rules."<sup>7</sup> For example, the applicant should set forth the specific reasons why electronic filing would constitute an unreasonable burden or expense.<sup>8</sup> We expect the number of waiver requests to be small, and we will not routinely grant waivers of our mandatory filing requirement after the phase in period.

10. Section 508 of the Rehabilitation Act of 1973, as amended, requires federal agencies to make materials available in accessible formats for persons with disabilities.<sup>9</sup> We asked for suggestions to make COALS more accessible to individuals with disabilities in light of this obligation. No comments were received in this regard. The Commission has established standards for web design to ensure accessibility for disabled persons. We will follow those procedures for meeting this requirement.

11. We requested comment on whether applicants, licensees, and registrants subject to electronic filing would benefit if the Commission maintained computer facilities at the Washington, D.C., headquarters for the public to use to file forms electronically. No one expressed a need for such facilities, and we will not provide them at this time. The ability to file via the Internet makes such facilities unnecessary.

12. Current Commission rules require sending applications or filings that require a fee to the Commission's lockbox bank in Pittsburgh, Pennsylvania, with the fee and FCC Form 159.<sup>10</sup> As proposed, we will allow MVPD filers to pay their fees electronically or to send them to the Commission's lock box

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<sup>4</sup> See, e.g., *1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules, and Processes*, 13 FCC Rcd 23056 (1998); *Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services*, 13 FCC Rcd 21027 (1998).

<sup>5</sup> *Streamlining of Mass Media Applications*, 13 FCC Rcd at 23061.

<sup>6</sup> NCTA Comments, September 6, 2000, at 2 – 3.

<sup>7</sup> *Streamlining of Mass Media Applications*, 13 FCC Rcd at 23061 (citing *Wait Radio v FCC*, 418 F.2d 1153, 1157 (1969)).

<sup>8</sup> *Id.*, n.14.

<sup>9</sup> 29 U.S.C. §§ 791 – 94.

<sup>10</sup> 47 C.F.R. § 0.401(b).

bank as in the past.<sup>11</sup> Filers will, however, now be required to have an FCC Registration Number (FRN) obtained through the Commission Registration System (CORES).<sup>12</sup> Current Commission rules also require that MVPDs provide hand-written signatures on filings with the Commission. COALS will allow electronic filers to provide an electronic signature. As proposed, an electronic signature will consist of the name of the applicant transmitted electronically via COALS and entered on the application as a signature.

13. In 1996 Congress enacted the Debt Collection Improvement Act ("DCIA") as part of an effort to increase collection of delinquent government debts from private entities.<sup>13</sup> As a result of the DCIA, the Commission is required to monitor and provide information about its regulatees to the U.S. Treasury. There is a requirement that the Commission collect Taxpayer Identifying Numbers ("TIN")<sup>14</sup> and share them with the U.S. Treasury to ensure that the Commission does not refund monies to entities that have an outstanding debt to the Federal Government. TINs are 9digit numbers required of all individuals and employers to identify their tax accounts. Individuals use their Social Security Number as their TINs, while employers use the Employer Identification Number ("EIN") issued by the IRS to all employers.<sup>15</sup> TINs are an integral part of the DCIA system and are necessary for the collection of delinquent debt owed to federal agencies. The use of a TIN is intended to allow the Government to match a payment request by an entity with information that may exist about delinquencies in payment that the entity or another entity may have. As a result, since April 26, 1996, federal agencies have been required to share among themselves the TINs of benefit recipients.<sup>16</sup> The Financial Management Service of the U.S. Treasury has recommended that agencies obtain the TIN when an agency first has direct contact with a person.

14. The Commission has already taken steps to ensure proper collection of TINs using CORES. Parties seeking to file using COALS will be required to obtain a unique identification number, the FRN, through CORES and supply it when doing business with the Commission via COALS.<sup>17</sup> As stated in the CORES Order, the Commission would like to limit the reporting of TIN information to registration in CORES, requiring use of TINs in the licensing process only in unusual circumstances.<sup>18</sup> Consistent with this policy, all parties seeking to file through COALS will be required to submit an FRN. Filers will be issued a COALS system log-in and associated password for access to the electronic system. Parties submitting forms on paper must supply their FRNs on those forms, where applicable, because all such information will be placed into COALS and an FRN is necessary to process these forms.

15. The TIN currently is part of the required information for MVPDs when they file on paper and is, therefore, available to the public when searching our paper records. This required information will be replaced by the FRN for those accessing, for example, a particular cable system registration statement or

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<sup>11</sup> See *Id.* § 1.1110.

<sup>12</sup> *Id.* §§ 1.8001 – 04; Adoption Of a Mandatory FCC Registration Number, 16 FCC Rcd 16138 (2001).

<sup>13</sup> Omnibus Consolidated Rescissions and Appropriations Act of 1996, Pub. L. No. 104-134, Chapter 10, 110 Stat. 1321, 1321-358 – 1321-381 (1996) (DCIA).

<sup>14</sup> 31 U.S.C. § 7701(c)(1). "Taxpayer Identifying Numbers" are also referred to as "Taxpayer Identification Numbers."

<sup>15</sup> All employers receive EINs regardless of whether they pay taxes. These employers include corporations, sole proprietors, partnerships, state and local governments, limited liability companies, non-profit organizations, and federal government and military agencies.

<sup>16</sup> See 31 U.S.C. § 7701(c)(1).

<sup>17</sup> Adoption of a Mandatory FCC Registration Number, 16 FCC Rcd 16138 (2001).

<sup>18</sup> *Id.* at 16143.

CARS application. We sought comment on whether a TIN, for privacy and other reasons, should not be available to those searching the database electronically, even though the TIN would be available to those searching through the same records had they been filed on paper. As COALS will not collect the TIN directly, but only through CORES, this information will no longer be available for searches and other public inspection.

16. We received no comments on whether requiring the use of TINs with the COALS systems would satisfy the requirements of the DCIA and would provide a unique identifier for parties filing applications with COALS that would ensure that the system functions properly. We decide that the FRN should be required of electronic filers because it is unique to each, and these parties will likely have already obtained an FRN through the mandatory FCC Registration process in order to conduct their business. The FRN will not, however, be used as the COALS log-in. We have also decided that the FRN will not be included with on-screen data presented to persons retrieving information through COALS, except where the COALS user is the entity whose FRN is displayed. COALS will require users to log in with their user name and password in order to file applications or forms with the Commission. A log-in will not be required for general COALS searches.

17. Currently, Commission rules require filers to supply specified numbers of copies of applications, forms, and pleadings filed with the Commission to ensure that staff have access to the documents and that timely information is provided to the public.<sup>19</sup> In this proceeding, we proposed to eliminate copy requirements that are no longer necessary. We conclude that reducing the number of copies that parties file makes sense and serves the public interest. Such requirements will become unnecessary under planned enhancements to COALS. Currently, multiple copies are required to make application and licensing information available to the public and to Commission employees. We expect, however, that COALS will ultimately provide an unprecedented degree of accessibility to this information. When COALS is fully implemented, whether CARS license applications or various other documents are filed electronically or on paper, information will be available online to interested parties and to the Commission's staff. After complete implementation of COALS, pertinent information that is filed on paper will be entered into COALS and will be available in the same fashion as information that was filed electronically. Thus, there will no longer be a need for an applicant to file additional paper copies.

## **B. Practices and Procedures Revisions**

### **1. Forms**

18. Currently, a cable operator is required to file a registration statement with the Commission, which includes its legal name, mailing address, and other operator information.<sup>20</sup> Any change to the cable operator's legal name, mailing address or operational status must also be filed with the Commission.<sup>21</sup> Before using aeronautical frequencies, an MVPD must notify the Commission of the specific frequencies used and system parameters.<sup>22</sup> The MVPD is currently given the choice as to the format for the submission of this information, as no FCC forms exist for the provision of this information.

19. To facilitate electronic filing and review, we will create three new forms for these processes. The first form, FCC Form 321, will formalize and standardize the format in which MVPDs provide

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<sup>19</sup> 47 C.F.R. § 1.51.

<sup>20</sup> *Id.* § 76.1801.

<sup>21</sup> *Id.* § 76.1610.

<sup>22</sup> *Id.* § 76.1804. This requirement applies to noncable MVPDs under Section 76.620, *id.* § 76.620.

notification to us regarding usage of aeronautical frequencies. Under Section 76.1804(f), MVPDs are required to provide a description of their routine monitoring procedures used for compliance with the aeronautical frequency usage rules.<sup>23</sup> For ease of form implementation, we will, as proposed, allow MVPDs to certify on FCC Form 321 that their monitoring procedures fully comply with the requirements of Sections 76.614 and 76.1706 of our rules.<sup>24</sup> We will assign unique FCC Identifiers to non-cable MVPDs, similar to CUIDs used for cable systems, to track the subsequent filing and collection of the annual signal leakage report (FCC Form 320) as required under Section 76.620.<sup>25</sup> In addition, to facilitate the electronic filing of FCC Form 320 after a non-cable MVPD system is sold to a new entity, we will incorporate a function in COALS to enable the updating of information for the MVPD. The second new form, FCC Form 322, will formalize and standardize the format for cable community registrations. The third new form, FCC Form 324, will formalize and standardize the format used when a cable operator needs to notify us of a change in name, mailing address, or operational status. As a whole, these three forms will facilitate electronic filing by creating a uniform format by which all MVPDs provide their information, making it easier for the filers and for Commission personnel to process the filings. These forms will be available for downloading from our website. Creation of these forms will require OMB approval, at which time, notice and an opportunity for comment will be provided.

20. As proposed, we will eliminate the requirement that the Commission give public notice of cable television registration statements.<sup>26</sup> It has been our experience that registration statement public notices are not generally used to track registration data and do not generate public comment. Further, as proposed, we will eliminate the requirement that registrants disclose the date upon which they served 50 or more subscribers.<sup>27</sup> This requirement no longer serves a regulatory purpose.<sup>28</sup>

21. Also, as proposed, we will simplify and modernize FCC Form 327, used for applications in the Cable Television Relay Service, as indicated in Appendix B, to eliminate duplicative information and information that is no longer required.<sup>29</sup> We will rearrange and update fields on the form and schedules attached to the form and clarify instructions. Further, we will modify Form 327 to be consistent with other electronically filed forms currently in use by the Commission.

## 2. CARS Licensing

22. Under current CARS rules, the standards for distinguishing between major and minor filings, particularly amendments to applications and modifications of licenses, are defined under Section 78.109 of the Commission's rules.<sup>30</sup> The distinction between major and minor filings has significant procedural consequences in the application process because a major amendment to an application causes the

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<sup>23</sup> *Id.* § 76.1804(f).

<sup>24</sup> *Id.* §§ 76.614 & 76.1706.

<sup>25</sup> *Id.* § 76.620.

<sup>26</sup> *Id.* § 76.1801(d).

<sup>27</sup> *Id.* § 76.1801(a)(4).

<sup>28</sup> The requirement stems from an earlier definition of the term "cable system" which included only entities serving 50 or more subscribers. *See* Cable Television Report and Order, FCC 72-108, 37 Fed. Reg. 3252 (1972).

<sup>29</sup> The current Form 327 is the original version which was created close to three decades ago and has not been revised since that time. Significant changes to the Form 327 include simplifying Schedule B, putting all transmitter data on Schedule C and all data for each receive site on Schedule D, adopting antenna structure codes in consonance with ULS, and moving programming for each path to Schedule E.

<sup>30</sup> 47 C.F.R. § 78.109.

application to be considered newly filed, which requires an additional fee, sets a new filing date, and begins a new 30 day statutory comment period; a minor amendment generally has no impact on the filing date. A major modification, therefore, is subject to the same public notice requirement as a new application. A minor modification, by contrast, does not trigger public notice obligations and usually does not delay Commission approval.

23. The implementation of COALS provides a unique opportunity to implement a single set of uniform standards for defining major and minor amendments to applications and modifications of CARS licenses. The Commission is authorized to adopt rules classifying amendments as either major or minor.<sup>31</sup> As proposed, we adopt a single rule that defines categories of major and minor changes for purposes of determining whether an amendment to an application or request for license modification is major or minor. We are not, however, revising the types of applications that require public notice or frequency coordination.

### MAJOR

The following changes will be considered major:

- Any increase in bandwidth;
- Any change in the transmitting antenna system of a station, other than a CARS pickup station, including the direction of the main radiation lobe, directive pattern antenna gain or transmission line or location;
- Any change in the type of modulation;
- Any change in the location of a station transmitter, other than a CARS pickup station transmitter, except a move within the same building or upon the tower or mast or a change in the area of operation of a CARS pickup station;
- Any change in frequency assignment including polarization;
- Any increase in authorized operating power;
- Any substantial change in ownership or control;
- Any addition or change in frequency, excluding removing a frequency;
- Any modification or amendment requiring an environmental assessment (as governed by 47 C.F.R. §§ 1.1301 – 1319, including historic preservation under § 1.1307(a)(4) and 16 U.S.C. § 470 (National Historic Preservation Act));
- Any request requiring frequency coordination; or
- Any modification or amendment requiring notification to the Federal Aviation Administration as defined in 47 C.F.R. Part 17, Subpart B.

### MINOR

Minor changes will include:

- Any name change not involving change in ownership or control of the license;
- Any change to administrative information, e.g., address, telephone number, contact person;
- Any change in ownership that does not affect the identity or controlling interest of the licensee;
- Lowering power;
- Removing one or more channels; or

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<sup>31</sup> See 47 U.S.C. § 309(g).

- Deleting a path.

We will, as proposed, allow licensees to implement minor technical or physical modifications to their facilities without prior Commission approval. Licensees will be required only to notify us within 30 days after implementing the change. In the Notice, we asked whether there might be times when applicants and licensees submit multiple amendments or modifications that individually would be considered minor changes, but that, cumulatively, might constitute a major change. We received no comments on this issue and, upon further consideration, we do not anticipate that cumulative minor amendments or changes will be a significant issue. Therefore, cumulative minor amendments or changes will not become major amendments or changes.

24. Currently, Section 1.49 of our rules allows pleadings and documents filed in most Commission proceedings to be filed electronically.<sup>32</sup> Once COALS is implemented, we intend to enhance COALS to allow pleadings and informal requests for Commission actions associated with CARS applications or licenses to be filed electronically. Such pleadings include petitions to deny, petitions for reconsideration, applications for review, comments, motions for extension of time, and subsequently filed pleadings related to such filings (i.e., oppositions and replies). We expect such an enhancement to COALS to be forthcoming and that the system will be able to accept pleadings prepared in several popular software formats. When such an enhancement is made, we will, as proposed, allow electronic filing of pleadings regarding CARS applications as an option. Electronic filers of pleadings will be required to identify the application or license at issue. This will enable us to easily associate pleadings with related applications and make the pleadings accessible to the public. In addition, we will continue to require parties submitting pleadings via COALS to serve paper copies on all interested parties. We will allow electronic service where the party to be served consents in advance in its pleadings. As proposed, when a party has agreed to electronic service of a document, the three-day mailing rule for computation of time purposes will not apply, and electronic service will be considered the same as facsimile service.<sup>33</sup>

25. The Commission's rules permit CARS licensees to request certain minor actions by letter instead of a formal application.<sup>34</sup> Each year we receive hundreds of letter requests, which must be processed manually. We sought comment on whether to require requests relating to licenses or applications to be filed using COALS forms rather than continuing to accept and process letter requests. Our forms are widely available to the public on the FCC's web page<sup>35</sup> and through a fax-on-demand service,<sup>36</sup> and their use should be far less burdensome for the public than drafting a letter request. Using a form instead of a letter will also enable Commission staff to handle requests more quickly and accurately. In addition, some actions could, if filed electronically, be processed without staff intervention, thus relieving the Commission of a significant processing burden. Nonetheless, we are mindful that it may be unduly burdensome for some licensees to use a specific form rather than a letter to request minor changes to an application or license, such as a change of address. We specifically asked whether letter requests should be permitted under certain circumstances, and if so, what those circumstances would be. We received no comments. We presume that the burden was not deemed unacceptable. In conformance with our intent to require electronic filing, we will require that all requests relating to licenses or applications will be filed

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<sup>32</sup> 47 C.F.R. § 1.49(f).

<sup>33</sup> *See Id.* § 1.4(h).

<sup>34</sup> *See, e.g., id.* § 78.27(b) (notice to the Commission of completion of construction or request for an extension of time to complete construction).

<sup>35</sup> <<http://www.fcc.gov/formpage.html>>.

<sup>36</sup> Parties can call 1-202-418-0177 from the handset of any fax machine and follow the recorded instructions.



through COALS when it is fully implemented. Further, the revised Form 327 can accommodate most actions on minor changes.

### 3. Other Issues

26. In reviewing our processing functions to adapt them to electronic filing, we proposed to eliminate some existing information collection requirements that no longer serve a useful purpose or that can be further streamlined. We sought comment on the types of technical data that we should collect from applicants and licensees and asked whether there are particular data collection requirements that should be either added or deleted.

27. Some filings, such as CARS applications and Aeronautical Frequency Notifications, require geographic coordinates. Filers are generally required to submit coordinates using the 1927 North American Datum ("NAD27") survey. A more recent North American Datum ("NAD83") was completed in 1983, which provides updated coordinate data.<sup>37</sup> NAD83 was adopted as the official coordinate system for the United States in 1989. On September 1, 1992, the Commission issued a public notice noting the change and stating that it would be converting its databases to NAD83.<sup>38</sup> At that time, however, in order to provide sufficient time to study the changes, the Commission allowed applicants to continue indefinitely to provide coordinates using NAD27.

28. It has been over a decade since the Commission issued the datum conversion Public Notice. We conclude that the public has had an ample amount of time to convert to NAD83. Further, use of NAD83 will result in more accurate decisions and will also conform to the current Federal Aviation Administration regulations, which require the use of NAD83 data. In addition, use of NAD83 coordinates will conform to the Antenna Structure Registration ("ASR") system in use by the Commission's Wireless Telecommunications Bureau. As proposed, all MVPD submissions will be required to provide data using the NAD83 datum when COALS is implemented. After this date, applications and forms providing NAD27 coordinates will no longer be accepted.

29. We designed the COALS filing system to reduce filing errors resulting from incomplete filings. For example, COALS will pre-fill ownership and address information for applicants who are already Commission licensees. It will also interactively check that required elements of applications are completed and prompt applicants to correct errors before the system will accept the application. This will eliminate the delay and expense caused by the return of incomplete or incorrectly completed forms to the applicant. We anticipate that use of COALS will expedite the acceptance of routine filings and the grant of applications.

30. Initially, forms will be submitted interactively. Interactive filing involves data transmission with screen-by-screen prompting from the Commission's COALS system. Interactive filers will receive prompts from the system identifying data entries outside the acceptable ranges of data for the individual fields at the time the data entry is made. Because interactive filers will be able to enter corrected information in real time, they are less likely to submit applications that are incomplete or incorrect. When COALS is fully implemented, it will provide an alternative means to file forms—batch filing. Batch filers will then send batches of data to the Commission for compiling.

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<sup>37</sup> NAD83 is a subset of World Geodetic System of 1984 (WGS84). For mapping and charting purposes, NAD83 and WGS84 should be considered equivalent.

<sup>38</sup> See "The Federal Communications Commission Continues to Require Applicants to Use Coordinates Based on the North American Datum of 1927," 7 FCC Rcd 6096 (1992).

31. As proposed, we will conform our filing rules for all MVCTS and CARS filers so that all filers will be subject to the same requirements and procedures for defective or incomplete submissions. Regardless of the filing method, all submissions with an insufficient fee, grossly deficient or inaccurate information; or those without a valid signature, will be dismissed immediately. For any submission that is found subsequently to have minimally deficient or inaccurate information, we will notify the filer of the defect. We will allow operators 15 days from the date of this notification to correct or amend the submission if the amendment is minor.

32. For CARS applications, if the applicant files a timely corrected application with a minor amendment, it will be processed in accordance with the Commission's rules.<sup>39</sup> Thus, it will have no effect on the initial filing date of the application or the applicant's filing priority. If, however, the amendment made by the applicant is not a simple correction, but constitutes a major amendment to the application, it will be governed by the rules and procedures applicable to major amendments, that is, it will follow the procedures of a new application with a new filing date and new fees must be paid by the applicant. Finally, if the applicant fails to submit an amended application within the period specified in the notification of the defect by the Commission, the application will be subject to dismissal for failure to prosecute.<sup>40</sup>

#### IV. CONCLUSION

33. We will provide electronic filing through COALS to make the MVPD and CARS authorization processes more efficient. Development of electronic filing and widely available databases for the cable services will shorten application filing times, make the most recent data concerning cable operators and other spectrum users available to the public, and relieve the administrative burden on the Commission of processing manual filings. Accordingly, it is in the public interest to implement the electronic filing of applications and other documents at the earliest possible time. COALS implementation, and the combined application and processing rules adopted herein, will help achieve that goal.

#### V. PROCEDURAL MATTERS

34. *Final Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act ("RFA"),<sup>41</sup> an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated in the *Notice*. The Commission sought written public comments on the possible significant economic impact of the proposed policies and rules on small entities in the *Notice*, including comments on the IRFA. Pursuant to the RFA,<sup>42</sup> a Final Regulatory Flexibility Analysis is contained in Appendix C.

35. *Paperwork Reduction Act.* This Report and Order contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 ("PRA"), Public Law 104-13. It will be submitted to the Office of Management and Budget ("OMB") for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding.

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<sup>39</sup> 47 C.F.R. § 78.17.

<sup>40</sup> *Id.* § 78.21(b).

<sup>41</sup> *See* 5 U.S.C. § 603.

<sup>42</sup> *See id.* § 604.

**VI. ORDERING CLAUSES**

36. Accordingly, IT IS ORDERED that, pursuant to authority found in Sections 4(i)-(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i)-(j), 303(c), (f), and (r), and 309(j), the Commission's rules ARE AMENDED as set forth in Appendix A.

37. The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995, Public Law 104-13, and found to impose new or modified information collection requirements on the public. Implementation of these new or modified information collection requirements will be subject to approval by the Office of Management and Budget (OMB) as prescribed by the Paperwork Reduction Act. Consequently, IT IS FURTHER ORDERED that the amendments to the Commission's rules set forth in Appendix A WILL BECOME EFFECTIVE upon announcement in the Federal Register of OMB approval of the new or modified information collecting requirements and the implementation of the electronic filing system specified therein.

38. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs 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 Small Business Administration.

**A. Further Information**

39. For further information concerning this Report and Order, contact Wayne T. McKee, (202) 418-2355, or Michael Lance, (202) 418-7014, Engineering Division, Media Bureau.

40. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0531 (voice), 202-418-7365 (tty).

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

Appendix A

**RULE CHANGES**

Parts 0, 1, 76, and 78 of Title 47 of the Code of Federal Regulations are amended as follows:

**PART 0 – COMMISSION ORGANIZATION**

1. The authority citation for Part 0 continues to read as follows:

AUTHORITY: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. Revise § 0.401(b)(3) to read as follows:

**§ 0.401 Location of Commission offices**

\* \* \* \* \*

(b)\* \* \*

(3) Alternatively, applications and other filings may be sent electronically via the Universal Licensing System (ULS) or the Cable Operations and Licensing System (COALS) as appropriate for use of those systems.

**PART 1 PRACTICE AND PROCEDURE**

3. The authority citation for Part 1 continues to read as follows:

AUTHORITY: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309.

4. Revise § 1.1104 by revising items 8 and 8 h. and i. to read as follows:

**§ 1.1104 Schedule of charges for applications and other filings for media services.**

8. Multichannel Video and Cable Television Services

\* \* \*

h. Registration of a Cable Community.	322 & 159	50.00	TAC	Federal Communications Commission, Media Services, P.O. Box 358205, Pittsburgh, PA 15215-5205.
i. Aeronautical Frequency Notification.	321 & 159	50.00	TAC	Federal Communications Commission, Media Services, P.O. Box 358205, Pittsburgh,

5. Revise § 1.1111, adding paragraph (d) to read as follows:

**§ 1.1111 Filing locations**

\*\*\*\*\*

(d) Fees for applications and other filings pertaining to the Multichannel Video and Cable Television Service (MVCTS) and the Cable Television Relay Service (CARS) that are submitted electronically via the Cable Operations and Licensing System (COALS) may be paid electronically or sent to the Commission's lock box bank manually. When paying manually, applicants must include the FCC Form 159 generated by COALS (pre-filled with the transaction confirmation number) and completed with the necessary additional payment information to allow the Commission to verify that payment was made. Manual payments must be received no later than ten (10) days after receipt of the application or filing in COALS or the application or filing will be dismissed.

6. Add subpart M to read as follows:

**Subpart M Cable Operations and Licensing System (COALS)**

Sec.

1.1701 Purpose.

1.1702 Scope.

1.1703 Definitions.

1.1704 Station files.

1.1705 Forms; electronic and manual filing.

1.1706 Content of filings.

1.1707 Acceptance of filings.

**§ 1.1701 Purpose.**

To provide electronic filing of applications, notifications, registration statements, reports, and related documents in the Multichannel Video and Cable Television Services and the Cable Television Relay Services.

**§ 1.1702 Scope.**

This subpart applies to filings required by §§ 76.403, 76.1610, 76.1801, 76.1803, & 76.1804, and 78.11-36 of this Chapter.

**§ 1.1703 Definitions.**

For purposes of this subpart, the following definitions apply:

(a) *Application.* A request on Form 327 for a station license as defined in § 3(b) of the Communications Act, completed in accordance with § 78.15 and signed in accordance with § 78.16 of this title, or a similar request to amend a pending application or to modify or renew an authorization. The term also encompasses requests to assign rights granted by the authorization or to transfer control of entities holding authorizations.

(b) *Authorization.* A written instrument issued by the FCC conveying authority to operate, for a specified period, a station in the Cable Television Relay Service. In addition, this term includes authority

conveyed by operation of rule upon filing notification of aeronautical frequency usage by MVPDs or registration statements by cable operators.

(c) *Cable Operations And Licensing System (COALS)*. The consolidated database, application filing system, and processing system for Multichannel Video and Cable Television Services (MVCTS) and the Cable Television Relay Service (CARS). COALS supports electronic filing of all applications, notifications, registrations, reports, and related documents by applicants and licensees in the MVCTS and CARS, and provides public access to licensing information.

(d) *Cable Television Relay Service (CARS)*. All services authorized under Part 78 of this title.

(e) *Filings*. Any application, notification, registration statement, or report in plain text or, when as prescribed, on FCC Forms 320, 321, 322, 324, 325, or 327, whether filed in paper form or electronically.

(f) *Multichannel Video and Cable Television Services (MVCTS)*. All services authorized or operated in accordance with Part 76 of this title.

(g) *Receipt date*. The date an electronic or paper application is received at the appropriate location at the Commission or the lock box bank. Major amendments to pending applications as defined in § 78.109 of this title, will result in the assignment of a new receipt date.

(h) *Signed*. For manually filed applications only, an original hand-written signature. For electronically filed applications only, an electronic signature. An electronic signature shall consist of the name of the applicant transmitted electronically via COALS and entered on the filing as a signature.

#### **§ 1.1704 Station files.**

Applications, notifications, correspondence, electronic filings and other material, and copies of authorizations, comprising technical, legal, and administrative data relating to each system in the Multichannel Video and Cable Television Services (MVCTS) and the Cable Television Relay Service (CARS) are maintained by the Commission in COALS and the Public Reference Room. These files constitute the official records for these stations and supersede any other records, database or lists from the Commission or other sources.

#### **§ 1.1705 Forms; electronic and manual filing.**

(a) *Application forms*. Operators in the Multichannel Video and Cable Television Services (MVCTS) and applicants and licensees the Cable Television Relay Service (CARS) shall use the following forms and associated schedules:

(1) *FCC Form 320, Basic Signal Leakage Performance Report*. FCC Form 320 is used by MVPDs to report compliance with the basic signal leakage performance criteria.

(2) *FCC Form 321, Aeronautical Frequency Notification*. FCC Form 321 is used by MVPDs to notify the Commission prior to operating channels in the aeronautical frequency bands.

(3) *FCC Form 322, Cable Community Registration*. FCC Form 322 is used by cable system operators to commence operation for each community unit.

(4) *FCC Form 324, Operator, Address, and Operational Information Changes.* FCC Form 324 is used by cable operators to notify the Commission of changes in administrative data about the operator and operational status changes.

(5) *FCC Form 325, Cable Television System Report.* FCC Form 325 is used by cable operators to report general information and signal and frequency distribution data.

(6) *FCC Form 327, Application for Cable Television Relay Service Station License.* FCC Form 327 and associated schedules is used to apply for initial authorizations, modifications to existing authorizations, amendments to pending applications, and renewals of station authorizations. FCC Form 327 is also used to apply for Commission consent to assignments of existing CARS authorizations and to apply for Commission consent to the transfer of control of entities holding CARS authorizations.

(b) *Electronic filing.* Six months after the Commission announces their availability for electronic filing, all applications and other filings using FCC Forms 320, 321, 322, 324, 325, and 327 and their respective associated schedules must be filed electronically in accordance with the electronic filing instructions provided by COALS.

(1) There will be two ways for parties to electronically file applications with the Commission: batch and interactive.

(i) *Batch filing.* Batch filing involves data transmission in a single action. Batch filers will follow a set Commission format for entering data. Batch filers will then send, via file transfer protocol, batches of data to the Commission for compiling. COALS will compile such filings overnight and respond the next business day with a return or dismissal of any defective filings. Thus, batch filers will not receive immediate correction from the system as they enter the information.

(ii) *Interactive filing.* Interactive filing involves data transmission with screen-by-screen prompting from the Commission's COALS system. Interactive filers will receive prompts from the system identifying data entries outside the acceptable ranges of data for the individual fields at the time the data entry is made.

(2) Attachments to applications must be uploaded along with the electronically filed application whenever possible.

(3) Any associated documents submitted with an application must be uploaded as attachments to the application whenever possible. The attachment should be uploaded via COALS in Adobe Acrobat Portable Document Format (PDF) whenever possible.

(c) *Manual filing.*

(1) Forms 320, 321, 322, 324, 325, and 327 may be filed manually.

(2) Manual filings must be submitted to the Commission at the appropriate address with the appropriate filing fee. The addresses for filing and the fee amounts for particular applications are listed in Subpart G of this part, and in the appropriate fee filing guide for each service available from the Commission's Forms Distribution Center by calling 1-800-418-FORM (3676). The form may be downloaded from the Commission's website: <<http://www.fcc.gov>>.



(3) Manual filings requiring fees as set forth at Subpart G, of this part must be filed in accordance with § 0.401(b).

(4) Manual filings that do not require fees must be addressed and sent to the Media Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554.

(5) FCC forms may be reproduced and the copies used in accordance with the provisions of § 0.409 of this title.

(d) *Applications requiring prior coordination.* Parties filing applications that require frequency coordination shall, prior to filing, complete all applicable frequency coordination requirements in § 78.36.

### **§ 1.1706 Content of filings.**

(a) *General.* Filings must contain all information requested on the applicable form and any additional information required by the rules in this title and any rules pertaining to the specific service for which the filing is made.

(b) *Antenna locations.* Applications for CARS stations and aeronautical frequency usage notifications must describe each transmitting antenna site or center of the cable system, respectively, by its geographical coordinates. Geographical coordinates must be specified in degrees, minutes, and seconds to the nearest tenth of a second of latitude and longitude. Submissions must provide such data using the NAD83 datum.

(c) *Antenna structure registration.* Owners of certain antenna structures must notify the Federal Aviation Administration and register with the Commission as required by Part 17 of this chapter. Applications proposing the use of one or more new or existing antenna structures must contain the FCC Antenna Registration Number(s) of each structure for which registration is required. If registration is not required, the applicant must provide information in its application sufficient for the Commission to verify this fact.

(d) *Environmental concerns.* Each applicant is required to indicate at the time its application is filed whether a Commission grant of the application may have a significant environmental effect, as defined by § 1.1307 of this part. If yes, an Environmental Assessment, required by § 1.1311 of this part, must be filed with the application and environmental review by the Commission must be completed prior to construction.

(e) *International coordination.* Channel assignments and usage under Part 78 are subject to the applicable provisions and requirements of treaties and other international agreements between the United States government and the governments of Canada and Mexico.

(f) *Taxpayer Identification Number (TINs).* All filers are required to provide their Taxpayer Identification Numbers (TINs) (as defined in 26 U.S.C. § 6109) to the Commission, pursuant to the Debt Collection Improvement Act of 1996 (DCIA). Under the DCIA, the FCC may use an applicant or licensee's TIN for purposes of collecting and reporting to the Department of the Treasury any delinquent amounts arising out of such person's relationship with the Government.

**§ 1.1707 – Acceptance of filings.**

Regardless of filing method, all submissions with an insufficient fee, grossly deficient or inaccurate information, or those without a valid signature will be dismissed immediately. For any submission that is found subsequently to have minimally deficient or inaccurate information, we will notify the filer of the defect. We will allow 15 days from the date of this notification for correction or amendment of the submission if the amendment is minor. If the applicant files a timely corrected application, it will ordinarily be processed as a minor amendment in accordance with the Commission's rules. Thus it will have no effect on the initial filing date of the application or the applicant's filing priority. If, however, the amendment made by the applicant is not a simple correction, but constitutes a major amendment to the application, it will be governed by the rules and procedures applicable to major amendments, that is, it will be treated as a new application with a new filing date and new fees must be paid by the applicant. Finally, if the applicant fails to submit an amended application within the period specified in the notification, the application will be subject to dismissal for failure to prosecute.

**PART 76 – MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE**

7. The authority citation for Part 76 continues to read as follows:

AUTHORITY: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

8. Amend § 76.403 by revising the second sentence to read as follows:

**§ 76.403 Cable television system reports.**

\*\*\* These forms shall be completed and filed with (returned to) the Commission within 60 days after the Commission notifies the operator that the form is due. \*\*\*

9. Amend § 76.620 to read as follows:

**§ 76.620 Non-cable multichannel video programming distributors (MVPDs).**

Sections 76.605(a)(12), 76.610, 76.611, 76.612, 76.614, 76.1803, 76.1804, 76.616, and 76.617 shall apply to all non-cable MVPDs. Exception: Non-cable MVPDs serving less than 1000 subscribers and less than 1000 units do not have to comply with Section 76.1804(g).

10. Amend § 76.1610 by revising the introductory text and paragraphs (a), (c), and (d) and adding paragraph (g) to read as follows:

**§ 76.1610 Change of operational information.**

The Operator shall inform the Commission on FCC Form 324 whenever there is a change of cable television system operator; change of legal name, change of the operator's mailing address or FCC Registration Number (FRN); or change in the operational status of a cable television system. Notification must be done within 30 days from the date the change occurs and must include the following information, as appropriate.

(a) The legal name of the operator and whether the operator is an individual, private association, partnership, corporation, or government entity. See § 76.5(cc). If the operator is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied;

\* \* \* \* \*

(c) The physical address, including zip code, and e-mail address, if applicable, to which all communications are to be directed;

(d) The nature of the operational status change (e.g., operation terminated, merged with another system, inactive, deleted, etc.);

\* \* \* \* \*

(g) The FCC Registration Number (FRN).

11. Amend § 76.1801 by revising the introductory text and redesignating the introductory text as paragraph (a) introductory text; revising paragraphs (a)(3) and (4); adding new paragraph (a)(7); revising paragraphs (b) and (c); and removing paragraph (d) to read as follows:

**§ 76.1801 Registration statement.**

(a) A system community unit shall be authorized to commence operation only after filing with the Commission the following information on FCC Form 322.

\* \* \* \* \*

(3) The mailing address, including zip code; e-mail address, if applicable; and telephone number to which communications are to be directed;

(4) The month and year the system began service to subscribers;

\* \* \*

(7) The FCC Registration Number (FRN).

(b) Registration statements, FCC Form 322, shall be signed by the operator; by one of the partners, if the operator is a partnership; by an officer, if the operator is a corporation; by a member who is an officer, if the operator is an unincorporated association; or by any duly authorized employee of the operator.

(c) Registration statements, FCC Form 322, may be signed by the operator's attorney in case of the operator's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reasons why the registration statement was not signed by the operator. In addition, if any matter is stated on the basis of the attorney's belief only (rather than the attorney's knowledge), the attorney shall separately set forth the reasons for believing that such statements are true.

12. Amend § 76.1803 to read as follows:

**§ 76.1803 Signal Leakage Monitoring**

MVPDs subject to § 76.611 must submit the results of ground based measurements derived in accordance with § 76.611(a)(1) or airspace measurements derived in accordance with § 76.611(a)(2), including a

description of the method by which compliance with basic signal leakage criteria is achieved and the method of calibrating the measurement equipment. This information shall be provided to the Commission each calendar year via FCC Form 320.

13. Amend § 76.1804 by revising the introductory text and paragraphs (a) through (g), adding paragraphs (h) through (j), and removing the Note to § 76.1804(g) to read as follows:

**§ 76.1804 Aeronautical frequencies: leakage monitoring (CLI)**

An MVPD shall notify the Commission before transmitting any carrier or other signal component with an average power level across a 25 kHz bandwidth in any 160 microsecond time period equal to or greater than  $10^{-4}$  watts at any point in the cable distribution system on any new frequency or frequencies in the aeronautical radio frequency bands (108 – 137 and 225 – 400 MHz). The notification shall be made on FCC Form 321. Such notification shall include:

- (a) Legal name and local address of the MVPD;
- (b) The names and FCC identifiers (e.g., CA0001) of the system communities affected, for a cable system, and the name and FCC identifier (e.g., CAB901), for other MVPDs;
- (c) The names and telephone numbers of local system officials who are responsible for compliance with §§ 76.610 through 76.616 and § 76.1803;
- (d) Carrier frequency, tolerance, and type of modulation of all carriers in the aeronautical bands at any location in the cable distribution system and the maximum of those average powers measured over a 25 kHz bandwidth as described above in this rule section;
- (e) The geographical coordinates (in NAD83) of a point near the center of the system, together with the distance (in kilometers) from the designated point to the most remote point of the plant, existing or planned, that defines a circle enclosing the entire plant;
- (f) Certification that the monitoring procedure used is in compliance with § 76.614 or description of the routine monitoring procedure to be used; and
- (g) For MVPDs subject to § 76.611, the cumulative signal leakage index derived under § 76.611(a)(1) or the results of airspace measurements derived under § 76.611(a)(2), including a description of the method by which compliance with the basic signal leakage criteria is achieved and the method of calibrating the measurement equipment.
- (h) Aeronautical Frequency Notifications, FCC Form 321, shall be personally signed either electronically or manually by the operator; by one of the partners, if the operator is a partnership; by an officer, if the operator is a corporation; by a member who is an officer, if the operator is an unincorporated association; or by any duly authorized employee of the operator.
- (i) Aeronautical Frequency Notifications, FCC Form 321, may be signed by the operator's attorney in case of the operator's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reasons why the FCC Form 321 was not signed by the operator. In addition, if any matter is stated on the basis of the attorney's belief only (rather than the attorney's knowledge), the attorney shall separately set forth the reasons for believing that such statements are true.
- (j) The FCC Registration Number (FRN).

## PART 78—CABLE TELEVISION RELAY SERVICE

14. The authority citation for Part 78 continues to read as follows:

AUTHORITY: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

15. Revise § 78.17 to read as follows:

**§ 78.17 Amendment of applications.**

Any application may be amended as a matter of right prior to the adoption date of any final action taken by the Commission with respect to the application. If a petition to deny has been filed, the amendment shall be served on the petitioner.

16. Amend § 78.20 by revising the first sentence of paragraph (a) to read as follows:

**§ 78.20 Acceptance of applications; public notice.**

(a) Applications which are tendered for filing are dated upon receipt and then forwarded to the Media Bureau where an examination is made to ascertain whether the applications are complete. \* \* \*

\* \* \* \* \*

17. In § 78.35 add paragraphs (d) and (e) to read as follows:

**§ 78.35 Assignment or transfer of control.**

\* \* \* \* \*

(d) If an assignment or transfer of control involves a substantial change of interest, and requires prior FCC approval, the CARS licensee is required to file FCC Form 327 with the Commission.

(e) Licensees are required to notify the Commission of consummation of an approved transfer or assignment. The assignee or transferee is responsible for providing this notification, including the date the transaction was consummated. The transaction must be consummated and notification provided to the Commission within 60 days of public notice of approval, and notification of consummation must occur no later than 30 days after actual consummation, unless a request for an extension of time to consummate is filed.

18. Revise § 78.109 to read as follows:

**§ 78.109 Major and minor modifications to stations.**

(a) Amendments to applications and modifications to stations are classified as major or minor. A major modification requires a formal application. A major amendment to an application is treated as a new application.

(b) Major modifications to a station or amendments to an application include, but are not limited to:

- (1) Any increase in bandwidth;
- (2) Any change in the transmitting antenna system of a station, other than a CARS pickup station, including the direction of the main radiation lobe, directive pattern, antenna gain or transmission line, antenna height or location;
- (3) Any change in the type of modulation;
- (4) Any change in the location of a station transmitter, other than a CARS pickup station transmitter, except a move within the same building or upon the tower or mast or a change in the area of operation of a CARS pickup station;
- (5) Any change in frequency assignment, including polarization;
- (6) Any increase in authorized operating power;
- (7) Any substantial change in ownership or control;
- (8) Any addition or change in frequency, excluding removing a frequency;
- (9) Any modification or amendment requiring an environmental assessment (as governed by §§ 1.1301-1319 of this Title, including changes affecting historic preservation under § 1.1307(a)(4) of this Title and 16 U.S.C. § 470 (National Historic Preservation Act));
- (10) Any request requiring frequency coordination; or
- (11) Any modification or amendment requiring notification to the Federal Aviation Administration as defined in 47 C.F.R. Part 17, Subpart B.

(c) Minor changes may be made at the discretion of the licensee, provided proper notice is given to the Commission within 30 days of implementing the change and provided further, that the changes are appropriately reflected in the next application for renewal of the license for the station.

(d) For applications and modifications, the following changes are considered minor:

- (1) Any name change not involving change in ownership or control of the license;
- (2) Any change to administrative information, e.g., address, telephone number, or contact person;
- (3) Any change in ownership that does not affect the identity or controlling interest of the licensee;
- (4) Lowering power;
- (5) Removing one or more channels; or
- (6) Deleting a path.

**Appendix B**  
**PROPOSED FORMS**



**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

**FCC Form 321  
AERONAUTICAL FREQUENCY NOTIFICATION**

1. If this is a non-cable MVPD system, does the system serve more than 1000 subscribers or more than 1000 units?  YES  NO

2. Indicate the name, mailing address, and telephone number of the MVPD.

Legal Name		FCC Registration No. (FRN)	
Assumed/ doing business as name (dba)			
Mailing Address	City	State	Zip Code
Telephone No. ( )	Email (optional)		

3. Indicate on Exhibit 1 the names of the communities affected and their respective FCC Identifiers.

4. Indicate the name, telephone number, and e-mail address (if any) of the local system official who is responsible for compliance with the rules.

Official's Name	Telephone No. ( )	E-mail Address (optional)
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5. Indicate the geographical coordinates in NAD83 of the central point of the system and a radius that encompasses the entire cable plant.

Latitude ° ' " N <input type="checkbox"/> S <input type="checkbox"/>	Longitude ° ' " E <input type="checkbox"/> W <input type="checkbox"/>	Radius (in kilometers)
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6. Indicate on Exhibit 2 all frequencies carried at an average power level equal to or greater than 38.75dBmV (i.e. 10<sup>-4</sup> Watts) across a 25 kHz bandwidth in any 160 microsecond period including tolerance, and modulation. Indicate here the maximum of those average power levels:

Maximum Power Level (dBmV)

**7. Certification**

By signing below, the operator certifies that:

- (a) The system monitoring procedures comply with the requirements of 47 C.F.R. § 76.614 and § 76.1706.
- (b) Neither the operator nor any other "party" to the notification is subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862. For the definition of a "party" for this purpose refer to 47 C.F.R. § 1.2002(b).

Type or Print Name	Title
Signature	Date

**WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (18 U.S.C. § 1001) AND/OR REVOCATION OF ANY STATION LICENSE (47 U.S.C. § 312 (a) (1)), AND/OR FORFEITURE (47 U.S.C. § 503(b)).**







## INSTRUCTIONS FOR FCC FORM 321

### AERONAUTICAL FREQUENCY NOTIFICATION

MVPDs planning to use the frequencies in the aeronautical radio communications or navigational frequency bands must notify the Commission prior to the activation of these frequencies. The aeronautical operational requirements in the aeronautical bands are contained in 47 C.F.R § 76.1804. Each notification shall include an FCC Form 159 (Fee Filing Form), accompanied by the appropriate fee (see Media Bureau Fee Filing Guide to obtain fee information).

1. If this is a non-cable MVPD system, indicate whether the system serves more than 1000 subscribers.
2. Provide the legal name, FCC registration number (FRN), any assumed name for doing business as (dba) in the community, complete mailing address including zip code, and telephone number in the spaces provided.
3. Provide a list of all the Community Unit Identifiers (CUIDs), community names, and states contained within the radius of this Aeronautical Frequency Notification on Exhibit 1. Non-cable MVPDs must provide their Non-Cable Identifier (NCID). If the non-cable MVPD does not have an NCID one will be supplied when this form is accepted. Non-cable MVPDs should provide as a community name the name by which their service area is generally known such as the subdivision, development, building, building complex, campus, neighborhood, etc. Additional pages may be attached if necessary.
4. In the spaces provided, indicate the contact name, telephone number, and e-mail address, if any, for the local system official responsible for compliance with the rules.
5. In the spaces provided, indicate the latitude and longitude using NAD 83 datum in degrees, minutes and seconds, to the nearest one tenth of a second, of the point nearest the center of the system. Provide the radius of the system in kilometers (1 mile = 1.61 km) from the center point to the most remote point of the plant (existing or planned). Non-cable MVPDs should give the smallest radius that defines a boundary that fully encloses all of their system (as small as 0.1 km).
6. In the space provided indicate the maximum power of those measured across all 25 kHz bandwidth in any 160  $\mu$ sec. period in the aeronautical bands. On Exhibit 2, list all frequencies carried at an average power level equal to or greater than 38.75dBmV (i.e.  $10^{-4}$  Watts) across a 25 kHz bandwidth in any 160  $\mu$ sec. period including tolerance, and modulation. Additional pages may be attached if necessary.
7. The person responsible for this form must provide their name, title, signature, and the date in the space provided.

Send completed Form 321 along with Fee Form 159 to:

**Federal Communications Commission**  
**Media Bureau**  
**P.O. Box 358205**  
**Pittsburgh, PA 15251-5205**



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

FCC Form 322  
CABLE COMMUNITY REGISTRATION

1. Indicate the name, mailing address, and telephone number of the cable system operator.

Legal Name		FCC Registration No. (FRN)	
Assumed/ doing business as (dba) name			
Mailing Address	City	State	Zip Code
Telephone No. ( )	Email (optional)		

2. Indicate whether the operator is an individual, private association, partnership, corporation, or government entity.

Individual  Private Association  Partnership  Corporation  Government Entity

3. Indicate the name, telephone number, and e-mail address (if any) of the person responsible for questions regarding this form.

Name of Contact	Telephone No. ( )	E-mail Address
-----------------	----------------------	----------------

4. Indicate the Physical System Identifier (PSID) if the community will be served by an existing system \_\_\_\_\_

5. Provide a date (MM/YYYY) when this community began service. \_\_\_\_\_

6. Indicate the community name, county, state, and type code of the community from the list provided in the instructions.

Name of Community	County	State	Type Code
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7. Indicate the local television broadcast signals (i.e. call signs) to be carried on this system.


8. Certification

By signing below, the operator also certifies that neither the operator nor any other "party" to the notification is subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862. For the definition of a "party" for this purpose, see 47 C.F.R. § 1.2002(b).

Type or Print Name	Title
Signature	Date

**WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (18 U.S.C. § 1001) AND/OR REVOCATION OF ANY STATION LICENSE (47 U.S.C. § 312 (a) (1)), AND/OR FORFEITURE (47 U.S.C. § 503).**

## INSTRUCTIONS FOR FCC FORM 322

### CABLE COMMUNITY REGISTRATION

Before commencing operation, a cable system operator must send registration information for each community to be served to the Commission (47 CFR § 76.1801). The purpose of the registration statement is to provide an accurate and updated record of all cable systems operating in the United States. Each community must have its own separate registration statement. Each registration shall include an FCC Form 159 (Fee Filing Form), accompanied by the appropriate fee (see Media Bureau Fee Filing Guide to obtain fee information). The Commission will assign a community unit identifier (CUID) when the registration process is complete.

1. Provide the cable operator's legal name, FCC registration number (FRN), any assumed name for doing business as (dba) in the community, complete mailing address including zip code, and telephone number in the spaces provided.
2. Indicate whether the operator is an individual, private association, partnership, corporation, or government entity by checking the appropriate box. If the operator is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied.
3. In the spaces provided, indicate the contact name, telephone number, and e-mail address, if any, for the person(s) responsible for questions regarding this form.
4. Provide the Physical System Id (PSID) of the existing headend serving the community in the space provided. If the community is being served from a new headend that does not yet have a PSID, a new PSID will be assigned to this community.
5. In the space provided, indicate the month and year when the community began service.
6. Provide the community's name, the state and county where the community is located, and indicate the type of community. Possible community types are:

<u>Type Code</u>	<u>Description</u>	<u>Type Code</u>	<u>Description</u>
0	Unincorporated unnamed county or parish	5	Incorporated Town
1	Unincorporated area adjacent to an incorporated community	6	Incorporated Village
2	Incorporated Township	7	Unincorporated area commonly known as
3	Incorporated Borough	8	Privately owned / Non-government
4	Incorporated City	9	Federal Reservation or State

7. In the table provided, list the local television broadcast signals (i.e. call signs) to be carried that have not been previously certified or registered.
8. This form is to be personally signed and dated by the operator; by one of the partners, if the operator is a partnership; by an officer, if the operator is a corporation; by a member who is an officer, if the operator is an unincorporated association; or by any duly authorized employee of the operator. Registration statements may be signed by the operator's attorney in case of the operator's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reasons why the registration statement was signed by the operator. In addition, if any matter is stated on the basis of the attorney's belief only (rather than the attorney's knowledge), the attorney shall separately set forth the reasons for believing that such statements are true.

Send completed Form 322 and along with fee Form 159 to:

**Federal Communications Commission  
Media Bureau  
P.O. Box 358205  
Pittsburgh, PA 15251-5205**

**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**



**FCC Form 324  
OPERATOR, MAIL ADDRESS, AND OPERATIONAL INFORMATION  
CHANGES**

**1. Indicate the nature of the operational change**

<input type="checkbox"/> Ownership Change	<input type="checkbox"/> Legal Name Change	<input type="checkbox"/> Assumed / dba Name Change
<input type="checkbox"/> Mailing Address Change	<input type="checkbox"/> Operational Status Change	<input type="checkbox"/> Physical System ID Change

**2. Indicate legal name, dba name, mailing address, and telephone number of the cable system operator.**

Legal Name		FCC Registration No. (FRN)	
Assumed/ doing business as (dba) name			
Mailing Address	City	State	Zip Code
Telephone No. (    )	Email (optional)		

**3. Indicate whether the operator is an individual, private association, partnership, corporation, or Government entity.**

Individual       Private Association       Partnership       Corporation       Government Entity

**4. Indicate the Physical System Identifier (PSID) if the community will be served by a different system: \_\_\_\_\_****5. Describe the change to CUID (e.g. operation terminated, community merged, merging PSIDs, etc.)**

--

**6. If the community is merged, provide the Community Unit Identifier (CUID) that it is being merged into: \_\_\_\_\_****7. Indicate on Exhibit 1 the names and the Community Unit Identifiers (CUIDs) (e.g. , CA0001) affected.****8. Certification**

By signing below, the operator also certifies that neither the operator nor any other "party" to the notification is subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862. For the definition of a "party" for this purpose refer to 47 C.F.R. § 1.2002(b).

Type or Print Name	Title
Signature	Date

**WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (18 U.S.C. § 1001) AND/OR REVOCATION OF ANY STATION LICENSE (47 U.S.C. § 312 (a) (1)), AND/OR FORFEITURE (47 U.S.C. § 503(b)).**



**INSTRUCTIONS FOR FCC FORM 324****OPERATOR, MAIL ADDRESS, AND OPERATIONAL STATUS CHANGES**

A cable operator is required to notify the Commission in writing within 30 days following a change to the operator, legal name, mail address, and operational status change (47 CFR § 76.1610). No fees are required for § 76.1610 changes.

1. Indicate the nature of the operational change by checking the appropriate box or boxes. Possible changes include: ownership change, legal name change, assumed/does business as (dba) name change, mailing address change, community operational status change, and/or physical system identification (PSID) change.
2. Provide the cable operator's legal name, FCC Registration Number (FRN), any assumed name for doing business as (dba) in the community, complete mailing address including zip code, and telephone number in the spaces provided.
3. Indicate whether the operator is an individual, private association, partnership, corporation, or government entity by checking the appropriate box. If the operator is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied.
4. Indicate the Physical System Identifier if the community will be served by a different system.
5. If the Physical System Id (PSID) of the community(ies) is changing, indicate the new PSID that will serve the community in the space provided. If the community is being served from a new headend that does not yet have a PSID, a new PSID will be assigned to the community provided in Exhibit 1. A separate Form 324 is required for each new PSID assignment.
6. For an operational status change, describe the nature of the change in the box provided. In order to merge a community into another community, both the existing CUID and the CUID into which the community is being merged must be provided.
7. List all the Community Unit Identifiers (CUIDs) and the corresponding names of the communities affected by this form on Exhibit 1.
8. The person responsible for this form must provide their name, title, signature, and the date in the space provided.

Send completed Form 324 to:

**Federal Communications Commission  
Media Bureau  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554**



## FCC Form 327

## APPLICATION FOR CABLE TELEVISION RELAY SERVICE STATION LICENSE

- A. Use this form when applying for a Cable Television Relay Service (CARS) station license.
- B. Enter the applicant's ten-digit FCC Registration Number (FRN) assigned by the Commission Registration System (CORES). The FRN is a unique entity identifier for everyone doing business with the Commission. The FRN can be obtained electronically through the FCC website at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is also available for downloading from the FCC website at <http://www.fcc.gov/formpage.html>, and by calling 800-418-FORM (3676) or dialing (202) 418-0177 from the fax-on-demand service.
- C. Applicants for:

**New License.** File a complete set of schedules and requested exhibits.

**Modification.** File Schedule A and any schedules and exhibits which describe the proposed modification. Be sure to complete item 1(b).

**Amendment.** File Schedule A and any schedules and exhibits which describe the amendment of the pending application. Be sure to complete item 1(b).

**Renewal.** File Schedule A and any schedules and exhibits necessary to indicate any engineering or legal changes since the last license application. Any changes that did not require prior Commission authorization should be reflected in the renewal application by the appropriate schedules and exhibits. In item 5 indicate whether any engineering or legal changes have been made since the last license application. (Note: Questions 3, 6, and 7 of Schedule A need not be completed if there have been no changes relating to these questions since the last license application filed with the Commission.)

**Transfer of Control or Assignment of License.** File Schedule A, Schedule B (Sections I and II), and the requested exhibits. The transferee or assignee must complete Schedule A and Section I of Schedule B. The licensee must complete Section II of Schedule B. For the transferee or assignee, include a family tree showing as indicated in Schedule B, Section I(2).

This form should be mailed to the following address: **Federal Communications Commission  
Media Bureau  
P.O. Box 358205  
Pittsburgh, PA 15251-5205**

Submit a copy along with the original application. The application should be accompanied by the fee required by 47 C.F.R. § 1.1106 and FCC Form 159.

- D. If the applicant is:
- An Individual:** This form shall be signed by the applicant personally.
  - A Partnership:** This form shall be signed by a member of the partnership.
  - A Corporation or Association:** This form shall be signed by an officer of the applicant.
  - A Governmental Entity:** This form shall be signed by an official of the applicant.

Sign in the space provided on Schedule A. Signing this form certifies that the person who signs the form is familiar with the contents of this form and all associated exhibits and supports and approves the representations made therein on behalf of the applicant. If the applicant is physically disabled or is absent from the United States, the application should be signed by the applicant's attorney. In the event the attorney signs for the applicant, include a statement setting forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than the attorney's knowledge), the attorney shall separately set forth reasons for believing that such statements are true.

- E. Answer all items, and furnish all necessary information. For any items of the applications that are not applicable, write "N.A." Deficient or incomplete applications may be returned without consideration. When supplied, the Social Security Number will be used solely as a unique identifier within the Commission's systems of records alone. Disclosure of a Social Security Number is solicited under 47 C.F.R. § 78.15(a) and 47 U.S.C. §§ 4(i), 4(j), 303(r) and 308.
- F. When an abbreviation of a state is required, use the United States Postal Service abbreviations.
- G. All heights and distances should be indicated in metric units (meters or kilometers).

- H. Minor changes do not require a fee (e.g., any name change not involving change in ownership or control of the license, or any change to administrative information such as address, telephone number, or contact person, or any minor amendments or modifications such as lowering power; removing one or more channels, deleting a path, etc.).
- I. Refer to specific instructions for each schedule.

Pursuant to the Privacy Act of 1974, Pub. L. 93-579 (1974), 5 U.S.C. § 552a(e)(3), and the Paperwork Reduction Act of 1995, Pub. L. 104-13 (1995), 47 U.S.C. § 3507, the solicitation of personal information required in this form is authorized by the Communications Act of 1934, as amended. The disclosure of said information is required to obtain the requested authority. The principal purpose of said information is to provide basic technological, financial, public service, and ownership data concerning the qualifications of the applicant to determine whether grant of the application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. Failure to provide said information may result in the authorization not being granted, or specific relief by the Commission, it may also result in appropriate enforcement action against said operator by the Commission. Individuals are not required to respond to a collection of information unless it displays a currently valid OMB control number.



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

**APPLICATION FOR CABLE TELEVISION RELAY SERVICE STATION LICENSE**

**SCHEDULE A. Type of Application, Applicant Information, Contact Information, and Station Record Information**

**1. (a) Type of Application: (Check only one box)**

**(b) Type(s) of Amendment(s) or Modification(s):  
(Check the appropriate the box(es)).**

- |                       |                                |                          |                                 |
|-----------------------|--------------------------------|--------------------------|---------------------------------|
| New License           | Major Amendment of Application | Add Channel(s)           | Change Antenna Height           |
| Transfer of Control   | Minor Amendment of Application | Change Transmitter       | Change Antenna Structure Height |
| Assignment of License | Modification of License        | Change Transmit Site     | Change Antenna System           |
|                       | Renewal of License             | Increase Operating Power | Add Receive Site(s)             |
|                       |                                | Change Emission Code     | Change Receive Site(s)          |
|                       |                                | Minor Modifications      | Other (specify in item 8)       |

(c) If this application modifies an existing station, provide the call sign: \_\_\_\_\_

If this application amends a pending application, provide the file number: \_\_\_\_\_

**2. (a) Applicant Information**

FRN		EIN or SSN	
Legal Name		Business Name (if applicable)	
Mailing Address			
City	State	Zip Code	Telephone ( )

**(b) Contact Information**

Contact Name		Business Name	
Mailing Address		E-mail Address	
City	State	Zip Code	Telephone ( )

**(c) Address where Station's Records will be Maintained**

Address			
City	State	Zip Code	Telephone ( )

	YES	NO
<p><b>3.</b> Will the applicant provide program material to eligible systems other than those which the applicant owns or operates?</p> <p>If "YES," attach as <b>Exhibit A-1</b> a copy of a written contract specifying that service will be provided on a non-profit, cost-sharing basis: or a copy of a written statement specifying that service will be provided without charge.</p>		
<p><b>4. (a)</b> Has the applicant or any of its controlling parties had any FCC station license, permit, or authorization revoked?</p> <p>If "YES," attach as <b>Exhibit A-2</b> a statement identifying the license, permit, or authorization revoked and the circumstances relevant to the revocation.</p>		
<p><b>(b)</b> Is the applicant or any of its partners, members, or owners, a foreign government or the representative thereof?</p>		
<p><b>5.</b> If this is a renewal, indicate whether legal or engineering changes have been made since the last license application.</p>		
<p><b>6.</b> Attach as <b>Exhibit A-3</b> a statement showing that the applicant is eligible pursuant to 47 C.F.R. § 78.13 to be a licensee.</p>		
<p><b>7.</b> For a new station or major change, (e.g., a change in azimuth or transmit antenna or an increase in power or frequency, etc.) attach as <b>Exhibit A-4</b> a statement or showing detailing the results of a frequency coordination study performed pursuant to 47 C.F.R. § 78.36 by a technically qualified person or entity (e.g., local coordinating committees, frequency coordinator, etc.).</p>		
<p><b>8.</b> List all <b>attachments, exhibits, and or specifications</b> that will be included on this schedule:</p>		

**CERTIFICATION**

All the statements made in this application and attached exhibits are considered material representations, and all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to 47 C.F.R. § 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under 47 C.F.R. § 1.2002(c). See 47 C.F.R. § 1.2002(b) for the definition of "party to the application" as used in this certification.

The applicant certifies that the applicant has a current copy of the Commission's rules governing the Cable Television Relay Service (CARS).

The applicant waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same whether by license or otherwise and requests an authorization in accordance with this application.

<p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH. See 18 U.S.C. § 1001.</p>	<p>I CERTIFY that the statements in this application are true, complete, and correct to the best of my knowledge and belief and are made in good faith.</p>
<p>Print Full Name</p>	<p>Print Title</p>
<p>Signature</p>	<p>Date (mm/dd/yyyy)</p>

## APPLICATION FOR CABLE TELEVISION RELAY SERVICE STATION LICENSE

**SCHEDULE B. Control and Ownership Information** *(The information submitted in this schedule should enable the Commission to identify all entities which either directly or indirectly control the applicant.)*

### SECTION I. Control and Ownership

1. The following information must be provided for the applicant; for each member or partner, if the applicant is an unincorporated association or partnership; and for each cable television owner or operator, if the applicant is a cooperative enterprise wholly owned by cable television owners or operators. Indicate the legal name; the entity (if the entity has no EIN use Social Security Number (SSN)), the type of entity (1 = Individual, 2 = Partnership, 3 = Corporation, 4 = Unincorporated Association, or 5 = Governmental Entity); the Internal Revenue Service Employer Identification Number (EIN) used by the entity (if the entity has no EIN, use the applicant's Social Security Number (SSN)). If the entity is a non-governmental corporation, indicate the state under whose laws the corporation is organized.

Legal Name (if person, last name first)	EIN or SSN	Entity Code	State

2. Attach as **Exhibit B-1** the information requested of the applicant in item 1 for each entity which either directly or indirectly controls the applicant. Place this information in a detailed block diagram or family tree showing the direct or indirect control of the applicant, including percentage of control, including the final controlling entity or entities. The final controlling entity or entities should be specifically identified.

### SECTION II. Assignment of License or Transfer of Control

Attach as **Exhibit B-2** a statement describing the proposed assignment of license or transfer of control. The assignment of license or transfer of control shall not be completed until authorized by the Commission. The Commission must be notified of consummation no later than 30 days after it occurs.

#### Licensee Information

FRN			
Legal Name (if person, last name first)		Business Name	
Mailing Address		City	State    Zip Code
Telephone No. (    )		E-mail Address	
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH. <i>See 18 U.S.C. § 1001.</i>			
Print Full Name		Print Title	
Signature			Date (mm/dd/yyyy)

## APPLICATION FOR CABLE TELEVISION RELAY SERVICE STATION LICENSE

## SCHEDULE C. Transmit Site Data

**Fixed**

Transmitter Make and Model		Second Transmitter Make and Model (if applicable)	
If the structure is proposed, indicate the call sign of any AM non-directional stations located within 1.0 km or directional AM stations within 3.0 km of the proposed structure:			
Overall height above ground level ( <b>OHAGL</b> ) of structure with appurtenances (in meters):	<b>OHAGL</b> of structure without appurtenances (in meters):	Height of ground above mean sea level ( <b>AMSL</b> ) (in meters):	
<b>Note: All geographic coordinates must be in NAD 83.</b>			
Latitude (dd-mm-ss.s)	(Circle one.) North or South	Longitude (ddd-mm-ss.s)	(Circle one.) East or West
Mode of Operation (Circle one.)		Structure Code:	
<b>Attended</b>	<b>Unattended</b>	<b>Remote Control</b>	

**Mobile** (See Instructions for defining service area)

Transmitter Make and Model		Second Transmitter Make and Model (if applicable)	
Latitude (Northwest Corner) (dd-mm-ss.s)	(Circle one.) North or South	Longitude (Northwest Corner) (ddd-mm-ss.s)	(Circle one.) East or West
Latitude (Southeast Corner or Center of System) (dd-mm-ss.s)	(Circle one.) North or South	Longitude (Southeast Corner or Center of System) (ddd-mm-ss.s)	(Circle one.) East or West
Radius (in kilometers):			

**Site Information**

Site Community Name	FCC Antenna Structure Registration Number or N/A (FAA Notification not Required):	
Location (street address or distance and direction outside the community)	County/Borough/Parish	State

- If the applicant proposes construction of a major communications facility as defined in Part 1, Subpart I of the Commission's Rules, attach as **Exhibit C-1** a statement containing the information required in Part 1, Subpart I.
- If these facilities will be mounted on an antenna support structure previously authorized by the Commission, indicate the tower registration number in the appropriate box of this page or include as **Exhibit C-2** a statement establishing why registration is not required.
- Construction of certain structures and alterations to structures may require notification to the Federal Aviation Administration (FAA). (See 47 C.F. R. § 17.7.) If such a notification was made and the construction or alteration is proposed, attach as **Exhibit C-3** a copy of such notification or FCC Form 854.
- If this application may have a significant environmental effect as defined in 47 C.F.R. § 1.1307, attach as **Exhibit C4** an Environmental Assessment prescribed by 47 C.F. R. § 1.1311.

## Schedule C Instructions

**Structure Codes:** Enter the code for the type of structure on which the antenna is or will be mounted from the following choices:

Code	Definitions	Code	Definitions
B	Building with a side mounted antenna	PIPE	Any type of pipe
BANT	Building with antenna on top	POLE	Any type of pole, used only to mount an antenna
BMAST	Building with mast/antenna on top	RIG	Oil or other type of rig
BPIPE	Building with pipe/antenna on top	SIGN	Any type of sign or billboard
BPOLE	Building with pole/antenna on top	SILO	Any type of silo
BRIDG	Bridge	STACK	Smoke stack
BTWR	Building with tower/antenna on top	TANK	Any type of tank (water, gas, etc.)
MAST	Self-support structure	TOWER	A free standing or guyed structure used for communications purposes
NNTANN*	Antenna tower array	UPOLE	Utility pole/tower used to provide service (electric, telephone, etc.)
NTOWER**	Multiple structures		

\* **Valid Tower Arrays.** Code definition: The first NN indicates the number of towers in an array. The second NN is optional and indicates the position of that tower in the array (e.g., 3TA2 would identify the second tower in a three-tower array).

\*\* **Valid Multiple Structures.** Code definition: The N indicates the number of structures where multiple antenna structures are present in a multiple structure (ex.: 2TOWER, 3TANK, 6BANT, 7BMAST).

**Mobiles – Must define service area.** You can not apply for more than one service area in this application. Service area will be either a rectangle or a circle. The receive site(s) may be located anywhere within the service area. The coordinates for the receive site(s) shall be specified in Schedule(s) D.

- **Rectangular service area:** Enter the coordinates of the northwest and southeast corners of the service area.
- **Circular service area:** Enter the coordinates of the center of the system and the radius.
- **“Site Community Name”:** Indicate the TV market served, as identified in 47 C.F.R. § 76.51.

## APPLICATION FOR CABLE TELEVISION RELAY SERVICE STATION LICENSE

## SCHEDULE D. Receive Site Data

Site Number: \_\_\_\_\_

Transmit Antenna Make and Model		Center-Line Height Above Ground Level (in meters):	
Receive Antenna Make and Model		Center Line Height Above Ground Level (in meters):	
Reflector Size (if applicable)		Height (in meters): <b>X</b> Width (in meters):	
Second Transmit Antenna Make and Model (if applicable)		Center-Line Height Above Ground Level (in meters):	
Second Receive Antenna Make and Model (if applicable)		Center-Line Height Above Ground Level (in meters):	
If the structure is proposed, indicate the call sign of any AM non-directional stations located within 1.0 km or directional AM stations within 3.0 km of the proposed structure:			
Overall height above ground level ( <b>OHAGL</b> ) of structure with appurtenances (in meters):	<b>OHAGL</b> of structure without appurtenances (in meters):	without	Height of ground above mean sea level ( <b>AMSL</b> ) (in meters):
<b>Note: All geographic coordinates must be in NAD 83.</b>			
Latitude (dd-mm-ss.s)	(Circle one.) North or South	Longitude (ddd-mm-ss.s)	(Circle one.) East or West
Transmitting Azimuth (ddd.d °T)	Path Distance (in kilometers):	Structure Code:	

## Site Information

Site Community Name	FCC Antenna Structure Registration Number or N/A (FAA Notification not Required):	
Location (street address or distance and direction outside the community)	County/Borough/Parish	State

- If the applicant proposes construction of a major communications facility as defined in Part 1, Subpart I of the Commission's Rules, attach as **Exhibit D-1** a statement containing the information required in Part 1, Subpart I.
- If these facilities will be mounted on an antenna support structure previously authorized by the Commission, indicate the tower registration number at the bottom of this page or include as **Exhibit D-2** a statement establishing why registration is not required.
- Construction of certain structures and alterations to structures may require notification to the Federal Aviation Administration (FAA). (See 47 C.F.R. § 17.7.) If such a notification was made and the construction or alteration is proposed, attach as **Exhibit D-3** a copy of such notification or FCC Form 854.
- If this application may have a significant environmental effect as defined in 47 C.F.R. § 1.1307, attach as **Exhibit D4** an Environmental Assessment prescribed by 47 C.F. R. § 1.1311.



**Schedule D Instructions**

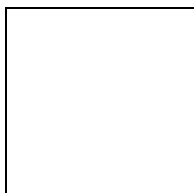
Complete a Schedule D for each receive, repeater, or intercept site.

**Path and Receive Site Numbering.** Paths and receive sites shall be numbered consecutively starting clockwise from true north. **Example 1: Adding Path(s).** The dotted lines show proposed paths and their numbering scheme.

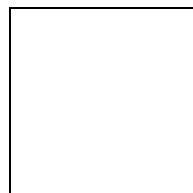
**Example 2: Passive Repeater(s).** A passive repeater site shall be numbered with the same path number as the total path but shall be prefixed with an R. The second repeater shall be numbered similarly but prefixed with an S.

**Example 3: Intercept(s).** An intercept site shall be numbered with the same path number as the total path but shall be prefixed with an I. The second intercept shall be numbered similarly but prefixed with a J.

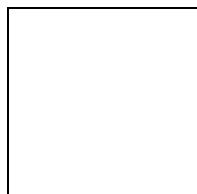
**Example 1: Adding Paths**



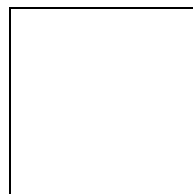
**Example 2: Passive Repeaters**



**Legend**



**Example 3: Intercepts**



**Center-Line Height** is defined to be the distance from the ground to the center of the antenna.

**Structure Codes:** Enter the code for the type of structure on which the antenna is or will be mounted from the following choices:

Code	Definitions	Code	Definitions
B	Building with a side mounted antenna	PIPE	Any type of pipe
BANT	Building with antenna on top	POLE	Any type of pole, used only to mount an antenna
BMAST	Building with mast/antenna on top	RIG	Oil or other type of rig
BPIPE	Building with pipe/antenna on top	SIGN	Any type of sign or billboard
BPOLE	Building with pole/antenna on top	SILO	Any type of silo
BRIDG	Bridge	STACK	Smoke stack
BTWR	Building with tower/antenna on top	TANK	Any type of tank (water, gas, etc.)
MAST	Self-support structure	TOWER	A free standing or guyed structure used for communications purposes
NNTANN*	Antenna tower array	UPOLE	Utility pole/tower used to provide service (electric, telephone, etc.)
NTOWER**	Multiple structures		

\* **Valid Tower Arrays.** Code definition: The first NN indicates the number of towers in an array. The second NN is optional and indicates the position of that tower in the array (e.g., 3TA2 would identify the second tower in a three-tower array).

\*\* **Valid Multiple Structures.** Code definition: The N indicates the number of structures where multiple antenna structures are present in a multiple structure (ex.: 2TOWER, 3TANK, 6BANT, 7BMAST).

**APPLICATION FOR CABLE TELEVISION RELAY SERVICE STATION LICENSE**

**Schedule E. Path Information**

Path Number(s): \_\_\_\_\_

If any of the programming relayed on this path will not be delivered to an eligible system pursuant to 47 C.F.R. § 78.11(d), attach as **Exhibit E-1** a statement identifying the system to which it is delivered and the specific programming.

Channel Designator or Frequency Band Limits	Call Sign of TV Station, Programmer Name, or Code	Emission Designator(s)	Polarization (H, V, or C)	Antenna Input Power (dBm)

Attach as many continuation pages as necessary.

Schedule E. Continuation Page

Path Number(s): \_\_\_\_\_

Channel Designator or Frequency Band Limits	Call Sign of TV Station, Programmer Name, or Code	Emission Designator(s)	Polarization (H, V, or C)	Antenna Input Power (dBm)

## Schedule E Instructions

**Path Number(s):** Place the path numbers(s) from the corresponding Schedule(s) D here. Include on one Schedule E all paths that have identical programming. Attach additional schedules for each path that has different programming.

**Channel Designator:** List the channel for each path by its designator, including channel group, or frequency band in GHz.

**Call Sign of TV Station, Programmer Name, or Code:** Indicate the call sign of the television broadcast station, the programmer name (e.g., HBO, ESPN, CNN, etc.), or code of the content to be relayed on each microwave channel during the majority of the transmitting hours. If more than one television broadcast station or other programming is to be carried on a microwave channel, use multiple rows in this schedule. If a microwave channel will relay the signals of AM or FM radio broadcast stations during the majority of the transmitting hours, enter the code letters AM or FM, whichever is appropriate, adjacent to the microwave channel used. Attach as **Exhibit E2** a statement indicating whether the radio signals relayed will be all band. When necessary, provide the appropriate code from below that best describes the programming type.

### Codes

- Cable Modem - CM
- Control Signal-CS
- Data-DA
- Educational Access-EA
- Governmental Access-GA
- Leased Access-LA
- Public Access-PA
- System Automated -SA
- Other-OT

**Emission Designator:** Indicate the emission designator of the transmitter for each channel (e.g., 5M75C3F/250KF3E, 20M0F3W, N0N, 6M00D7W, 12M5F8W, 25M0F8W).

**Polarization:** Horizontal (**H**), vertical (**V**), or circular (**C**).

**Antenna Input Power:** Associate with each channel designator the antenna input power in dBm (after waveguide and multiplexing losses) for that particular channel.

**Note:** A separate Schedule E is not needed for passive repeater sites or intercepts.

## APPENDIX C

## FINAL REGULATORY FLEXIBILITY ANALYSIS

1. As required by the Regulatory Flexibility Act of 1980, as amended (“RFA”),<sup>43</sup> an Initial Regulatory Flexibility Analysis (“IRFA”) was incorporated in the Notice of Proposed Rulemaking (“NPRM”) in CS Docket No. 00-78, FCC 00-165. The Commission sought written public comment on the proposals in the Notice, including comment on the IRFA.<sup>44</sup> This present Final Regulatory Flexibility Analysis (“FRFA”) conforms to the RFA.<sup>45</sup>

**A. Need for, and Objectives of, this Report and Order.**

2. We revise our rules governing the filing of forms and applications for the Multichannel Video and Cable Television Services. These include applications in the Cable Television Relay Service (CARS microwave applications), cable television operator registrations, and aeronautical frequency usage filings. These rule changes are designed to facilitate our implementation of electronic filing via the new Cable Operations And Licensing System (“COALS”). We undertake implementation of the COALS electronic filing system so that cable services applicants and associated parties may file documents with greater speed and efficiency. Because it is available over the Internet and is fully searchable, the system will also make license and cable operational information more accessible to the Commission’s staff, the MVPD industry, and the general public. Furthermore, it is expected that the cost of filing applications or obtaining information will be reduced.

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

3. No one commented in direct response to the IRFA. We received only one comment in the proceeding—from the National Cable Telecommunications Association (“NCTA”). That comment did address the issue of the burden on small entities that would result if we decide to make electronic filing mandatory. We responded to their concern by creating an indefinite transition period during which electronic filing will be optional. A waiver of the requirement may also be granted.

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

4. The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of, small entities that will be affected by the rules adopted herein.<sup>46</sup> The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”<sup>47</sup> In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.<sup>48</sup> A “small business

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<sup>43</sup> See 5 U.S.C. § 603. The RFA, see 5 U.S.C. § 601 – 612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

<sup>44</sup> NPRM, 15 FCC Rcd 9305, 9318 (2000).

<sup>45</sup> See 5 U.S.C. § 604.

<sup>46</sup> *Id.* § 604(a)(3).

<sup>47</sup> *Id.* § 601(6).

<sup>48</sup> *Id.* § 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 SBA and after opportunity for public comment, establishes one or more definitions of such term (continued...)”

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>49</sup>

5. A small organization is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”<sup>50</sup> Nationwide, as of 1992, there were approximately 275,801 small organizations.<sup>51</sup> “Small government jurisdiction”<sup>52</sup> generally means “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.”<sup>53</sup> As of 1992, there were approximately 85,006 governmental entities in the United States.<sup>54</sup> This number includes 38,978 counties, cities, and towns: of these, 37,566, or 96%, have populations of fewer than 50,000.<sup>55</sup> The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (96%) are small entities. Below, we further describe and estimate the number of small entity licensees and regulatees that may be affected by these rules. It is possible that various types of small organizations are cable operators or other types of Multichannel Video Programming Distributor.

6. The rules we adopt will apply to all Multichannel Video Programming Distributors. This includes cable systems, the Multipoint Distribution Service (“MDS”), the Multichannel, Multipoint Distribution Service (“MMDS”), and Private Cable Operators (“PCOs”).

7. *Small MVPDs.* SBA has developed a definition of small entities for cable and other pay television services, which includes such companies generating \$12.5 million or less in annual receipts.<sup>56</sup> This definition includes cable system operators, closed circuit television services, direct broadcast satellite services, multipoint distribution systems, satellite master antenna systems, open video systems, and subscription television services. According to the Census Bureau, there were 1,423 such cable and other pay television services generating less than \$12.5 million in revenue.<sup>57</sup> We address below services individually to provide a more precise estimate of small entities.

8. The Commission has developed, with SBA’s approval, its own definition of a small cable system operator for the purposes of rate regulation. Under the Commission’s rules, a “small cable

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which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.

<sup>49</sup> 15 U.S.C. § 632.

<sup>50</sup> 5 U.S.C. § 601(4).

<sup>51</sup> 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).

<sup>52</sup> 47 C.F.R. § 1.1162.

<sup>53</sup> 5 U.S.C. § 601(5).

<sup>54</sup> U.S. Dept. of Commerce, Bureau of the Census, “1992 Census of Governments.”

<sup>55</sup> *Id.*

<sup>56</sup> 13 C.F.R. § 121.201, NAICS code 515210

<sup>57</sup> Economics and Statistics Administration, Bureau of Census, U.S. Department of Commerce, 1992 CENSUS OF TRANSPORTATION, COMMUNICATIONS AND UTILITIES, ESTABLISHMENT AND FIRM SIZE, Series UC92-S-1, Firm Size 1123 (1995) (“1992 Census”). See *Memorandum Opinion and Order and Notice of Proposed Rule Making*, Implementation of Sections of the Cable Telecommunications Consumer Protection and Competition Act of 1992, Rate Regulation and Cable Pricing Flexibility, MM Docket No. 92-266 and CS Docket No. 96-157, 11 FCC Red 9517, 9531 (1996).

company” is one serving fewer than 400,000 subscribers nationwide.<sup>58</sup> Based on our most recent information, we estimate that there were 1439 cable operators that qualified as small cable companies at the end of 1995.<sup>59</sup> Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators. The Commission’s rules define a “small system,” for the purposes of rate regulation, as a cable system with 15,000 or fewer subscribers.<sup>60</sup> The Commission does not request nor does the Commission collect information concerning cable systems serving 15,000 or fewer subscribers and thus is unable to estimate, at this time, the number of small cable systems nationwide.

9. The Communications Act also contains a definition of a small cable system operator, which is “a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1% of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000.”<sup>61</sup> The Commission has determined that there are 61,700,000 subscribers in the United States. Therefore, a cable operator serving fewer than 617,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed \$250 million in the aggregate.<sup>62</sup> Based on available data, we find that the number of cable operators serving 617,000 subscribers or less totals approximately 1450.<sup>63</sup> Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed \$250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under definition in the Communications Act. It should be further noted that recent industry estimates project that there will be a total of 64,000,000 subscribers and we have based our fee revenue estimates on that figure.

10. *Private Cable Operators/Satellite Master Antenna Systems.* Based on our most recent information, we estimate that there are 3400 private cable operators (“PCOs”).<sup>64</sup> Most of these qualify as small cable companies under the SBA and Commission rate regulation definitions.<sup>65</sup> These operators primarily serve multiple dwelling units (“MDU”)<sup>66</sup> and commercial multiple tenant units (“MTU”).<sup>67</sup> The MDU market is comprised of 20 to 25 million units.<sup>68</sup> Commercial multiple tenant units (and their SBA size standards) include hotels (\$6.0 million),<sup>69</sup> hospitals (\$29.0 million),<sup>70</sup> nursing care facilities (\$11.5

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<sup>58</sup> 47 C.F.R. § 76.901(e). The Commission developed this definition based on its determination that a small cable system operator is one with annual revenues of \$100 million or less. See *Sixth Report and Order and Eleventh Order on Reconsideration*, MM Docket No. 92-266 and 93-215, 10 FCC Rcd 7393 (1995).

<sup>59</sup> Paul Kagan Associates, Inc., *Cable TV Investor*, Feb. 29, 1996 (based on figures for Dec. 30, 1995).

<sup>60</sup> 47 C.F.R. § 76.901(c).

<sup>61</sup> 47 U.S.C. § 543(m)(2).

<sup>62</sup> 47 C.F.R. § 76.1403(b).

<sup>63</sup> Paul Kagan Associates, Inc., Feb. 29, 1996 (based on figures for Dec. 30, 1995).

<sup>64</sup> *Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming, Fourth Annual Report*, 13 FCC Rcd 1034, 1087 (1998).

<sup>65</sup> See *supra* ¶¶ 7 – 9.

<sup>66</sup> 13 C.F.R. § 121.201, NAICS code 531110 (\$6.0 Million).

<sup>67</sup> *Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming, Eighth Annual Report*, 17 FCC Rcd 1244, 1280 (2002). The size standard for MTUs is the same as MDUs, that is, NAICS code 531110 (\$6.0 Million).

<sup>68</sup> *Eighth Annual Competition Report*, 17 FCC Rcd 1244, n. 260 (2002).

<sup>69</sup> 13 C.F.R. § 121.201, NAICS code 721110 [Non-casino], NAICS code 721120 [Casino].

million),<sup>71</sup> homes for the elderly (\$6.0 million),<sup>72</sup> and similar facilities. PCOs serve 3,000 to 4,000 customers each, but some serve 15,000 to 55,000 subscribers each.<sup>73</sup> Consequently, most PCOs are small entities, and we estimate that there are more than 3,400 small entity private cable system operators that may be affected by the decisions and rules we are adopting.

11. *Open Video System* (“OVS”). The Commission has certified 26 OVS operators. As an OVS is comparable in most ways to a cable system, the cable system size standards are appropriate.<sup>74</sup> Of these, one, Affiliates of Residential Communications Network, Inc. (“RCN”), is clearly not a small system. RCN received approval to operate OVS systems in New York City, Boston, Washington, D.C., and other areas. RCN has approximately 506,700 video subscribers;<sup>75</sup> is the largest broadband service provider in the country, 1.5 million homes passed; and is the thirteenth largest MVPD.<sup>76</sup> The Commission has not set a separate size standard for an OVS. Under that standard RCN is not a small system operator. Little financial information is available for the other entities authorized to provide OVS service that are not yet operational. Given that other entities have been authorized to provide OVS service but have not yet begun to generate revenues, we conclude that at least some of the OVS operators qualify as small entities under FCC standards.

12. *Multichannel, Multipoint Distribution Service* (“MMDS”). The Commission refined the definition of “small entity” for the auction of MMDS as an entity that, together with its affiliates, has annual average gross revenues that are not more than \$40 million for the proceeding three calendar years.<sup>77</sup> This definition of a small entity, in the context of the Commission’s decision concerning MMDS auctions, has been approved by the SBA.<sup>78</sup>

13. The Commission completed its MMDS auction in March 1996 for authorization in 493 basic trading areas (“BTAs”). Of the 67 winning bidders, 61 qualified as small entities under the Commission definition. Five winners indicated that they were minority-owned and four winners indicated that they were women-owned businesses. In 1998, the Commission released the *Two-Way Order* permitting MDS/ITFS licensees to construct digital two-way systems that could provide high-speed, high-capacity broadband service, including two-way Internet service via cellularized communication systems.<sup>79</sup> As a result, although over 2,650 MDS and MMDS licenses have been issued in the U.S., four companies

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<sup>70</sup> *Id.*, NAICS code 622110.

<sup>71</sup> *Id.*, NAICS code 623110.

<sup>72</sup> *Id.*, NAICS code 623312.

<sup>73</sup> *Eighth Annual Competition Report*, 17 FCC Rcd 1244, 1280-1 (2002).

<sup>74</sup> *See supra* ¶¶ 7 – 9.

<sup>75</sup> *Id.* at 1295.

<sup>76</sup> *Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming, Ninth Annual Report*, FCC 02-338, ¶ 103 (2002).

<sup>77</sup> 47 C.F.R. § 21.961(b)(1).

<sup>78</sup> *In The Matter of Amendment of Parts 21 and 74 of the Commission’s Rules With regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service and Implementation of Section 309(j) of the Communications Act – Competitive Bidding*, MM Docket No. 94-31 and PP Docket No. 93-253, 10 FCC Rcd 9589 (1995).

<sup>79</sup> *Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmissions*, 13 FCC Rcd 19112 (1998), *recon.*, 14 FCC Rcd 12764 (1999), *further recon.*, 15 FCC Rcd 14566 (2000).



– Sprint, WorldCom, Nucentrix and BellSouth – hold more than half of the licenses. Collectively, these four companies can potentially reach 75% of the U.S. population. The number of MMDS subscribers, however, has declined to approximately 490,000 from 700,000 last year.<sup>80</sup> Presumably, the remaining licenses are held by small businesses under the Commission auction standard for small entities.

**D. Description of Projected Reporting, Record Keeping and other Compliance Requirements.**

14. This Report and Order creates no additional reporting, record keeping, or other requirements. Rather, makes reporting easier and more efficient by permitting filing by electronic means via the Internet. It also simplifies reporting by standardizing forms and deleting duplicate and unnecessary data collections.

**E. Steps Taken to Minimize the Impact on Small Entities, and Significant Alternatives Considered.**

15. The RFA requires an agency to describe any significant alternatives that it has considered in developing its 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.”<sup>81</sup>

16. The impact of this action on small entities will not only be identical to the impact on large entities, it will be entirely beneficial. It gives them the option of eliminating the cost and expense of filing paper copies of required documents. We did not adopt a requirement for mandatory electronic filing specifically because of concerns for the burden that mandatory filing might impose upon small entities.

17. **Report to Congress.** We will send a copy of this Report and Order, including this FRFA, in a report to Congress pursuant to the Congressional Review Act of 1996.<sup>82</sup> A copy of this report and Order and FRFA (or summary thereof) will also be published in the Federal Register, pursuant to 5 U.S.C. § 604(b), and will be sent to the Chief Counsel for Advocacy of the Small Business Administration.

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<sup>80</sup> *Ninth Annual Competition Report*, FCC 02-328, ¶ 74.

<sup>81</sup> 5 U.S.C. § 603(c)(1) – (c)(4).

<sup>82</sup> *Id.* § 801(a)(1)(A).