

"independents," as suggested by one commenter. Another commenter's statement that small and minority businesses are developing services for the DBS industry confirms the Commission's belief that a wide variety of businesses will be involved in the DBS industry; however, the Commission does not have a record before it sufficient to support adoption of this commenter's suggestion that the Commission provide incentives to encourage companies to team up with small and minority-owned businesses. However, designated entity provisions for future DBS auctions may be appropriate, particularly if spectrum is auctioned in small blocks.

Paperwork Reduction Act

22. The Order contains new or modified information collections subject to the Paperwork Reduction Act of 1995 ("PRA"), Pub. L. No. 104-13, which were proposed in the NPRM and were submitted to the Office of Management and Budget ("OMB") for approval. The Commission, as part of its continuing effort to reduce paperwork burdens, also invited the general public to comment on the information collections proposed. The Commission received no comments on the proposed collections, and adopts them as originally proposed. The effective date of the new and modified rules that have been adopted falls after the deadline for OMB action under the PRA.

47 CFR Part 100

OMB Approval Number: None.

Title: Direct Broadcast Satellite Service.

Form No.: None.

Type of Review: Approval of existing collection.

Respondents: Businesses or other for profit.

Number of Respondents: 8.

Estimated Time Per Response: 400 hours.

Total Annual Burden: 3200 hours.

Needs and Uses: In accordance with the Communications Act, the information collected will be used by the Commission in granting DBS authorizations, and in determining the technical and legal qualifications of a satellite applicant, permittee or licensee. Existing information collection requirements are set forth in Part 100 of the Commission's Rules and in Commission orders. See e.g., *Inquiry Into the Development of Regulatory Policy in Regard to Direct Broadcast Satellites for the Period Following the 1983 Regional Administrative Radio Conference*, 90 FCC 2d 676 (1982), *recon. denied*, 53 RR 2d 1637 (1983);

CBS, Inc., 98 FCC 2d 1056 (1983); *Tempo Enterprises, Inc.*, 1 FCC Rcd 20, 21 (1986); and *United States Satellite Broadcasting Co.*, 3 FCC Rcd 6858, 6861-62 (1988). Under the existing information collection requirements in the Commission's Rules, an entity awarded a DBS authorization would be required to submit the information required pursuant to 47 CFR 100.13, 100.19, 100.21, 100.51. The Commission proposed to require that DBS auction winners submit: (1) Ownership information to determine compliance with Parts 1 and 100 of the Commission's Rules; (2) a statement describing their efforts to comply with the proposed spectrum aggregation limitations; (3) an explanation of the terms and conditions and parties involved in any bidding consortia, joint venture, partnership, or other agreement or arrangement they enter into relating to the competitive bidding process prior to the close of bidding; and (4) any agreements or contracts pertaining to the transfer of the DBS authorization acquired through auction during the six years following grant of the authorization.

Final Regulatory Flexibility Analysis

Pursuant to Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 603, an initial Regulatory Flexibility Analysis was incorporated in the Notice of Proposed Rulemaking in IB Docket No. 95-168/PP Docket No. 93-253. Written comments on the proposals in the Notice, including the Regulatory Flexibility Analysis, were requested.

A. Need and Purpose of Rules

This rulemaking proceeding modifies the licensing and service rules for the DBS service. It also adopts rules for competitive bidding in the DBS service based on Section 309(j) of the Communications Act, 47 U.S.C. § 309(j), which authorizes the Commission to use auctions to select among mutually exclusive applications for authorizations under certain circumstances. Our objectives have been to promote efficiency and innovation in the licensing and use of the electromagnetic spectrum, to develop competitive and innovative communications systems, and to promote effective and adaptive regulations.

B. Issues Raised by the Public in Response to the Initial Analysis

No comments were received specifically in response to the Initial Regulatory Flexibility Analysis. We have, however, taken into account all issues raised by the public in response

to the proposed rules. In certain instances, we have eliminated or modified rules in response to those comments.

C. Significant Alternatives Considered

We have attempted to balance all the commenters' concerns with our public interest mandate under the Communications Act in order to update the existing "interim" rules in the DBS service. We will continue to examine these rules in an effort to eliminate unnecessary regulations and to minimize significant economic impact on small businesses.

Ordering Clauses

Accordingly, IT IS ORDERED that Part 100 of the Commission's Rules is amended as specified below.

24. It is Further Ordered that the one-time auction spectrum limitation discussed above Will be Implemented in connection with the auction of the construction permits for the use of 28 DBS channels at the 110° orbital location and 24 channels at the 148° orbital location.

25. It is Further Ordered that the amendments to Part 100 adopted herein and the one-time auction spectrum limitation discussed above Will Become Effective January 19, 1996. This action is taken pursuant to Sections 1, 4(i), 4(j), 7, and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 157, and 309(j).

26. It is Further Ordered that, pursuant to 47 U.S.C. § 155(c), the Chief, Wireless Telecommunications Bureau, is granted Delegated Authority to implement and modify auction procedures in the DBS service, including the general design and timing of an auction, the number of authorizations to be offered in an auction, the manner of submitting bids, minimum opening bids and bid increments, activity and stopping rules, and application and payment requirements, and to announce such procedures by Public Notice.

27. It is Further Ordered that condition (a) placed on the construction permit of Tempo Satellite, Inc. in *Tempo Satellite, Inc.*, 7 FCC Rcd 2728, 2732 (1992), which imposed certain marketing restrictions, is Rescinded.

28. It is Further Ordered that the proceeding in IB Docket No. 95-168 is hereby terminated.

List of Subjects in 47 CFR Part 100

Radio, Satellites.