

Commission has not developed a small business size standard specifically for providers of satellite service. The appropriate size standards under SBA rules are for the two broad categories of Satellite Telecommunications and Other Telecommunications. Under both categories, such a business is small if it has \$12.5 or less in average annual receipts. For the first category of Satellite Telecommunications, Census Bureau data for 1997 show that there were a total of 324 firms that operated for the entire year. Of this total, 273 firms had annual receipts of under \$10 million, and an additional twenty-four firms had receipts of \$10 million to \$24,999,999. Thus, the majority of Satellite Telecommunications firms can be considered small.

30. The second category—*Other Telecommunications*—includes “establishments primarily engaged in \* \* \* providing satellite terminal stations and associated facilities operationally connected with one or more terrestrial communications systems and capable of transmitting telecommunications to or receiving telecommunications from satellite systems.” Of this total, 424 firms had annual receipts of \$5 million to \$9,999,999 and an additional 6 firms had annual receipts of \$10 million to \$24,999,990. Thus, under this second size standard, the majority of firms can be considered small.

#### Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

31. There are potential reporting or recordkeeping requirements proposed in this FNPRM, particularly with regard to state and local EAS participation and participation by digital broadcasters. For example, the Commission is considering whether to adopt performance standards and reporting obligations for EAS participants. The proposals set forth in this FNPRM are intended to advance the Commission’s public safety mission and enhance the performance of the EAS while reducing regulatory burdens wherever possible.

#### Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

32. 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.”

33. The NPRM invited comments on a number of alternatives to the imposition of EAS obligations on the digital communications technologies. The Commission has considered each of those comments and in its Order imposes minimal regulation on small entities to the extent consistent with its goal of advancing the Commission’s public safety mission by adopting rules that expand the reach of EAS. The Commission believes that requiring DTV, DAB, digital cable, satellite DTH and SDARS providers to install and use EAS equipment will not impose undue regulatory or financial burdens.

34. This FNPRM seeks additional comment to help expedite the development of a robust, state-of-the-art, digitally based public alert and warning system, and to further minimize the impact on small entities. In particular, the Commission seeks comment on how DTH and SDARS could deliver local alerts; how best to involve wireless providers; and how the Commission can best work with the states to help implement the EAS rules adopted in the EAS First Report and Order as well as to develop the next generation of alert and warning systems. The Commission notes that it sought specific comment concerning possible alternatives in its approach toward small entities in the context of making EAS accessible to persons with disabilities.

#### Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

35. None.

#### Ex Parte Rules

36. These matters shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s ex parte rules. Persons making oral ex parte presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other requirements pertaining to oral and written presentations are set forth in § 1.1206(b) of the Commission’s rules.

#### Ordering Clauses

37. Accordingly, pursuant to the authority contained in sections 1, 4(i) and (o), 303(r), 403, 624(g) and 706 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 154(o), 303(r), 403, 544(g), and 606, Notice is Hereby Given of the proposals described in the Further Notice of Proposed Rulemaking.

38. The Commission’s Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of the Further Notice of Proposed Rulemaking, including the Initial Regulatory Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with the Regulatory Flexibility Act.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–23270 Filed 11–23–05; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 79

[CG Docket No. 05–231; DA 05–2974]

#### Closed Captioning of Video Programming, Telecommunications for the Deaf, Inc.; Petition for Rulemaking

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of reply comment period.

**SUMMARY:** In this document, the Consumer & Governmental Affairs Bureau grants a request for an extension of time to file reply comments in response to the Notice of Proposed Rulemaking (NPRM) adopted by the Commission in the “Closed Captioning of Video Programming” proceeding. The extension is granted to provide parties the necessary time to coordinate and file reply comments that will result in a more complete record.

**DATES:** Reply comments are due on or before December 16, 2005.

**ADDRESSES:** Interested parties may submit reply comments, identified by CG Docket No. 05–231, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission’s Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable

accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone (202) 418-0539 or TTY: (202) 418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:**

Amelia Brown, Consumer & Governmental Affairs Bureau, Disability Rights Office, at (202) 418-2799 (voice), (202) 418-7804 (TTY), or e-mail at [Amelia.Brown@fcc.gov](mailto:Amelia.Brown@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Order, DA 05-2974, in CG Docket No. 05-231, adopted November 16, 2005, released November 17, 2005, which extends the reply comment filing deadline in the "Closed Captioning of Video Programming" proceeding. Pursuant to §§ 1.415 and 1.419 of the Commission rules, 47 CFR 1.415 and 1.419, interested parties may file reply comments on or before the dates indicated on the first page of this document. Reply comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121, May 1, 1998.

- Electronic Filers: Reply comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal Rulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the Web site for submitting comments.

- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response. All comments received are viewable by the general public at any time through the Web site.

- Paper Filers: Parties who choose to file by paper must file an original and

four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

Pursuant to § 1.1206 of the Commission's rules, 47 CFR 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which ex parte communications are subject to disclosure.

The full text of document DA 05-2974 and copies of any subsequently filed documents relating to this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. This document and copies of subsequently filed documents in this matter may also be purchased from the Commission's contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact the Commission's contractor at their Web site [www.bcpweb.com](http://www.bcpweb.com) or by calling 1-800-378-3160. A copy of the National Association of Broadcasters (NAB) Request for Extension of Time may also be found by searching ECFS at <http://www.fcc.gov/cgb/ecfs> (insert CG Docket No. 05-231 into the proceeding block).

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) 418-0530 (voice) or (202) 418-0432 (TTY). Document DA 05-2974 can also be downloaded in Word and Portable Document Format (PDF) at <http://www.fcc.gov/cgb.dro>.

**Synopsis**

On July 21, 2005, the Commission released an *NPRM* in CG Docket No. 05-231; FCC 05-142, which was published in the **Federal Register** on September 26, 2005 (70 FR 56150) which set the deadline for filing reply comments as November 25, 2005. On November 15, 2005, the Commission received a Request for Extension of Time for this proceeding from the National Association of Broadcasters (NAB). NAB requests that the Commission extend the reply comments deadline until December 16, 2005 because of the significant amount of time required to review, analyze and respond to the hundreds of comments filed in this proceeding. NAB notes that the current reply comment deadline is the day after the Thanksgiving holiday. Additionally, NAB asserts that the proposed extension will enable the Commission to gather and consider a more complete factual record of the relevant legal issues, which is in the public interest.

Though the Commission does not routinely grant extensions of time, an extension in this proceeding will afford parties the necessary time to file reply comments that will result in a more complete record in this proceeding. The extension will not cause undue delay to the Commission's consideration of the issues.

**Ordering Clauses**

The Request for Extension of Time filed by the National Association of Broadcasters on November 15, 2005, is granted. Interested parties may file reply comments on or before December 16, 2005.

This action is taken pursuant to the authority provided in § 1.46 of the Commission's rules, 47 CFR 1.46, and under delegated authority pursuant to §§ 0.141 and 0.361 of the Commission's rules, 47 CFR 0.141 and 0.361.

Federal Communications Commission.

**Monica Desai,**

*Chief, Consumer & Governmental Affairs Bureau.*

[FR Doc. E5-6585 Filed 11-23-05; 8:45 am]

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