

## SUPPORTING STATEMENT

### A. Justification:

1. The Federal Communications Commission (“Commission”), on its own motion, proposes to revise OMB Control No. 3060-0678 to add a section to the Application for Satellite Space and Earth Station Authorization (FCC Form 312) which will enable satellite applicants to certify whether or not they are subject to geographic service or geographic coverage requirements and whether they will comply with those requirements. **The Commission amended the FCC Form 312 in order to make it easier to ensure that applicants will comply with the geographic service rules and/or geographic coverage requirements contained in Part 25 of the Commission’s rules.** (Note: A copy of the proposed, revised FCC Form 312 is attached for the OMB’s review and approval).

Presently, Section 25.148(c) of the Commission’s rules requires Direct Broadcast Satellite (DBS) operators to provide service to Alaska and Hawaii if “technically feasible” or to provide a technical analysis showing that such service is not technically feasible. Additionally, some Mobile Satellite Service (MSS) operators and Non-geostationary Satellite Orbit Fixed Satellite Service (NGSO FSS) operators have similar geographic coverage requirements. As required by Section 25.145(c)(1) of the Commission’s rules, Ka-band NGSO FSS licensees must provide service between 70 degrees North Latitude and 55 degrees South Latitude for at least 75 percent of every 24-hour period.

The addition of the certification will require modification of the FCC Form 312, which is housed on the International Bureau Filing System (“MyIBFS”), an electronic filing system. All applicants are required to electronically file the FCC Form 312, including the certification. (Note: In 2005, the Commission received approval from the Office of Management and Budget (OMB) under OMB Control No. 3060-0678 for mandatory electronic filing of all satellite and earth station applications).

As noted on the OMB Form 83-I, this information collection does not affect individuals or households; thus there are no impacts under the Privacy Act.

The Commission has authority for this information collection under Sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r).

2. This collection is used by the Commission staff in carrying out its duties concerning satellite communications as required by Section 301, 308, 309 and 310 of the Communications Act, 47 U.S.C. Sections 301, 308, 309, 310. This collection is also used by the Commission staff in carrying out its duties under the World Trade Organization (WTO) Basic Telecom Agreement. The information collection requirements accounted for in this collection are necessary to determine the technical and legal qualifications of applicants or licensees to operate a station, transfer or assign a license, and to determine whether the authorization is in the public interest, convenience and necessity. As technology advances and new spectrum is allocated for satellite use, applicants for satellite service will continue to submit the information required in Part 25 of the Commission’s rules. Without such information, the Commission could not determine whether to permit respondents to provide telecommunication services in the U.S. Therefore, the Commission would be unable to fulfill its

statutory responsibilities in accordance with the Communications Act of 1934, as amended, and the obligations imposed on parties to the WTO Basic Telecom Agreement.

3. Applicants are required to complete and file the Application for Satellite Space and Earth Station Authorizations (FCC Form 312) and the FCC Satellite Space Station Authorizations Technical and Operational Description (Schedule S) with the Commission electronically via the International Bureau Filing System (“MyIBFS”). In this Supporting Statement, the Commission proposes to add a section to the FCC Form 312 which will enable satellite applicants to certify whether or not they are subject to geographic service or geographic coverage requirements and whether they will comply with those requirements. A total of 100 percent of documents required for licensing and application procedures are filed electronically in the IBFS.

4. The agency does not impose similar information collection requirements on the respondents.

5. In conformance with the PRA, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information collection requirements to those that are absolutely necessary for evaluating and processing the application and for deterring possible abuses of the application process. This information collection does not have a substantial impact on any small entities.

6. If the various data in this collection were collected less frequently or not filed in conjunction with our rules, then applicants and licensees would not obtain the authorization necessary to provide telecommunication services; the Commission would not be able to carry out its mandate as required by statute; and applicants and licensees would not be able to provide services to the public effectively.

7. The Commission does not propose any new or amended information collection requirements that are not consistent with the general information collection guidelines in 5 CFR § 1320.

8. On October 25, 2006, the Commission published a 60-day public notice in the Federal Register (Cite: 71 FR 62463) to solicit comments from the public. The comment period ended on December 26, 2006. No comments were received from the public.

9. Respondents will not receive any payments or gifts.

10. There is no need for confidentiality.

11. This information collection does not address any matters of a private or sensitive nature.

12. Estimate of Burden Hours/Respondent Cost:

Please see the charts below for the number of respondents, frequency of response, time per response, total annual burden hours, and explanation of burden estimate.

Explanation of Burden Estimate	Number of Respondents	Frequency of Response	Time Per Response	Total Annual Burden Hours
Certification for Geographic Rules	30 (The above total includes 21 DBS licensees; 8 MSS licensees and 1 NGSO FSS licensees)	On occasion	15 minutes (0.25)	7.5 Hours (Rounded to 8 Hours)

Explanation of Burden Estimate	Number of Respondents	Frequency of Response	Time Per Response	Total Annual Burden Hours
Previous PRA Submission	3,432 Respondents	1 Frequency of Response	12.2 Average Burden Hours	42,108 Annual Burden Hours
Current PRA Submission	3,462 Respondents	1 Frequency of Response	12.16 Average Burden Hours	42,116 Annual Burden Hours
<b>Totals:</b>	<b>+30 Respondents</b>	<b>1 Frequency of Response</b>	<b>20 Average Burden Hours</b>	<b>+8 Annual Burden Hours</b>

13. Estimate of the Total Annual Cost Burden to Respondents:

**(a) Cost for outside legal/engineering assistance**

Respondents are assumed to use outside legal or engineering assistance to complete and file their applications. The cost to applicants for these services is estimated at \$200 per hour. This figure is based on a small survey of local firms in the D.C. area and is considered to be a conservative estimate.

Current Submission: \$200 per hour X 3,462 responses X 2 hours per submission = **\$1,384,800**  
Annual Costs for Outside Legal/Engineering Assistance

**Application Filing Fees**: Part 25-related application fee range from \$55.00 to \$353,690.00. An average of these two figures is \$176,873. A total of 3,462 respondents X \$176,873 average fee = **\$612,334,326**

<b>Total Costs to the Industry</b>	<b>Totals</b>
Estimated Cost of Outside Legal/Engineering Assistance	\$1,384,800
Estimated Application Filing Fees	\$612,334,326
<b>Total Cost to Respondents</b>	<b>\$613,719,126</b>

14. Estimates of Annualized Cost to the Federal Government:

The annual cost to the Federal Government for processing applications under Part 25 is approximately **\$2,522,987**. A chart with a description of costs is provided below.

<b>Federal Government</b>	<b>Estimated Annualized Cost To the Federal Government</b>
Personnel Costs (i.e., salaries & benefits)	\$2,031,326
Overhead Costs (Rent & computer support)	\$398,512
Miscellaneous Costs (Research, reference materials & travel)	\$93,150
<b>Totals:</b>	<b>\$2,522,988</b>

15. This Supporting Statement reflects program changes of +30 additional respondents, +8 annual burden hours and +\$5,318,126 in annual costs. **The program changes are attributed to the geographic service rules and/or geographic coverage requirements for satellite applicants that are included in the revised FCC Form 312.** The specific PRA information collection requirements are addressed in Item #12 of this PRA Statement.

Description	Current Submission	Previous Submission	Program Change
Respondents	3,462	3,432	+30
Annual Burden Hours	42,116	42,108	+8
Annual Costs	\$613,719,126	\$608,401,000	+\$5,318,126

16. The data will not be published for statistical use.

17. We continue to seek a waiver of the requirement to display the expiration date of OMB approval on the FCC Form 312 and Schedule S and wish to instead display an edition date. If these forms remain unchanged when it is time to renew OMB approval for this collection, the Commission would be required to destroy all stock on hand displaying the old expiration dates and then reprint and redistribute the forms with the new expiration date. Additionally, it would require the Commission to modify the electronic versions also. This would be an undue burden on Commission resources and may lead to confusion among licensees.

18. There are no exceptions to the certification statement.

**B. Collections of Information Employing Statistical Methods:**

No statistical methods are employed.