

## SUPPORTING STATEMENT

### A. **Justification:**

1. The Federal Communications Commission ("Commission") is requesting that the Office of Management and Budget (OMB) approve a three-year extension of OMB Control No. 3060-1007 titled, "Streamlining and Other Revisions of Part 25 of the Commission's Rules." There are no changes in reporting requirements, respondents, burden hours or annual costs.

#### Background on Rulemaking:

On April 16, 2004, the Commission released a Fourth Report and Order (R&O), "In the Matter of Amendment of the Commission's Space Station Licensing Rules and Policies; 2000 Biennial Regulatory Review -- Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations," IB Docket Numbers 02-34 and 00-248, FCC Number 04-92. (Note: This rulemaking is hereinafter referred to as the Fourth R&O.)

On November 12, 2004, the OMB approved the information collections associated with the Fourth R&O as stated below:

- The Commission extended mandatory electronic filing to all space station and earth station applications, related pleadings, and other filings governed by Part 25. The agency delegated authority to the Chief, International Bureau, to make the electronic filing system revisions necessary to implement these new electronic filing requirements. A public notice will be issued at least 30 days before the new electronic filing requirements will take effect. The adoption of mandatory electronic filing for all space station and earth station applicants will simplify the filing requirements and expedite the Commission's processing and approval of applications.
- Direct Broadcast Satellite (DBS) and Digital Audio Radio Service (DARS) licensees can now use a streamlined procedure when relocating satellites for fleet management purposes. Currently, this procedure is only limited to Geostationary Satellite Orbit (GSO) licensees. The Commission referred to such relocations as "fleet management" license modifications. This change will enable the Commission to act on DBS fleet management modifications faster.
- Under this streamlined procedure, the DBS and DARS licensees may modify its license without prior authorization, but upon 30 days prior notice to the Commission and any potentially affected licensed spectrum user.

In order to utilize the streamlined procedure, the operator is required to meet the following technical requirements:

1. The space station licensee will relocate a Geostationary Satellite Orbit (GSO) space station to another orbit location that is assigned to that licensee;
2. The relocated space station licensee will operate with the same technical parameters as the space station initially assigned to that location, or within the original satellite's authorized and/or coordinated parameters;
3. The space station licensee certifies that it will comply with all the conditions of its original license and all applicable rules after the relocation;
4. The space station licensee certifies that it will comply with all applicable coordination agreements at the newly occupied orbital location;
5. The space station licensee certifies that it has completed any necessary coordination of its space station at the new location with other potentially affected space station operators;
6. The space station licensee certifies that it will limit operations of the space station to Tracking, Telemetry, and Control (TT&C) functions during the relocation and satellite drift transition period; and
7. The space station licensee certifies that the relocation of the space station does not result in a lapse of service for any current customer.

The above referenced certifications are included in one checklist that replaced filing of a FCC Form 312 to request modifications. Each certification takes approximately 15 minutes (.25 hours) to complete. By contrast, the FCC Form 312 takes approximately 5 hours to complete when requesting a modification. Approximately 10 NGSO, 6 DBS, and 2 DARS licensees, (18 licensees total) can use the checklist in lieu of filing the FCC Form 312 to request a modification. This change does not impact non-U.S. licensed satellite operators.

Additionally, the Commission permits Non-Geostationary Satellite Orbit (NGSO) system operators to activate in-orbit spares without prior authorization from the Commission, provided that the activation does not cause the operator to exceed the total number of space stations that the licensee was authorized to operate under its blanket license for that system.

The Commission rules that are applicable to this collection are 47 CFR 25.110, 25.113, 25.114, 25.115, 25.116, 25.117, 25.118, 25.130, 25.131, 25.154, 25.164 and 25.165.

The Commission has authority for this collection pursuant to Sections 4(i), 7(a), 11, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. Section 154(i),

157(a), 161, 303(c), 303(f), 303(g), and 303(r).

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.

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, legal and financial 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. All satellite applications filed under Part 25, whether by U.S. or non-U.S. entities, and regardless of spectrum used, are included in this collection. As technology advances and new spectrum are 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. In the Fourth R&O, the Commission extended mandatory electronic filing to all space station and earth station applications, related pleadings, and other filings governed by Part 25. The Commission requires that 100 percent of documents to be filed electronically in the International Bureau Filing System (IBFS).

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

5. In the Fourth R&O, the Commission adopted rule revisions designed to allow it to issue space station and earth station licenses faster than is now possible, which will enable space station and earth station operators to provide service faster, and to attract investors faster. This will have a positive economic impact on all satellite licensees, including small entities. Furthermore, the Commission 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. Respondents to this information collection are large entities with few, if any, exceptions.

6. If the various data in this collection were collected less frequently or not filed in conjunction with our rules, then the Commission would not be able to streamline its satellite license modification rules and also carry-out its mandate as required by statute. As a result, licensees would not be able to provide services to the public as effectively as they could under the

streamlined satellite license modification rules.

7. The Fourth R&O does not propose any new or amended information collection requirements that are not consistent with the general information collection guidelines in 5 C.F.R. § 1320.

8. On November 29, 2006, the Commission published a 60-day public notice in the Federal Register (71 FR 69122) to solicit comments from the public. The comment period ended on January 29, 2007. No comments were received from the public. A copy of the 60 day notice is included in this submission to the OMB.

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. The estimates of burden hours/respondent costs are summarized in the chart below.

<b>Explanation of Burden Estimate</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Time Per Response</b>	<b>Total Annual Burden Hours</b>
Making the certifications in compliance with Section 25.118(e) *	8 (6 DBS applicants + 2 DARS applicants)	1 Annually	.25 15 minutes per submission	2 Hours
Non-Geostationary Satellite Orbit (NGSO) filing of Form 312 to notify Commission that they have launched a spare, or activated a ground spare, no later than 30 days after the launch or activation.	10	1 On Occasion	1 Hour	10 Hours
Petitions for declaratory ruling filed by Non-U.S. licensed satellite operators for satellite fleet modification procedure	10	1 One-time filing	2	20
<b>Totals:</b>	<b>28 Respondents</b>	<b>28 Responses</b>	<b>1 Hour (Average)</b>	<b>32 Annual Burden Hours</b>

\* Note: The certifications consist of a checklist that replaced filing of a FCC Form 312 to request modifications. We estimate that the filing of the checklist in lieu of the FCC Form 312 to request modifications reduces the annual paperwork burden by approximately 90 hours for 18 respondents (excluding Non U.S.-licensed satellite operators that file petitions for declaratory ruling). The total of 28 licensees referenced above include 10 NGSO licensees + 6 DBS licensees + 2 DARS licensees + 10 Non-U.S. licensed satellite operators = 28 respondents total. The Commission continues to estimate 28 respondents x 2.8 hours (average burden per response) = 9,688 hours. **Total annual burden = 9,688 hours.**

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

(a) Costs 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.

The average cost of \$200 per hour X 28 respondents X 1 hour = \$5,600 (rounded up to \$6,000) in total costs for outside legal/engineering assistance.

In the previous Supporting Statement, we estimated that a reduction of 90 annual burden hours would result in a reduction in costs for outside legal and engineering assistance.  
90 annual burden hours X \$200 = \$18,000

\$18,000 - \$6,000 = -\$12,000 reduction in outside legal and engineering costs was approved by the OMB on November 12, 2004. As shown below, the total cost to respondents is \$95,194,000. There are no program changes or adjustments in this Supporting Statement.

#### SUMMARY OF COSTS

Posting of bonds for 18 new satellite licensees 75 NGSOs at \$750,000 per application = \$56,250,000 75 GSOs at \$500,000 per application = <u>\$37,500,000</u>  \$93,750,000	NGSOs \$56,250,000 GSOs <u>\$37,500,000</u> <b>\$93,750,000</b>
Cost of outside legal/engineering assistance NGSOs: 2,250 hours X \$200 = \$450,000 GSOs: 1,875 hours X \$200 = <u>\$375,000</u> \$825,000	NGSOs: \$450,000 GSOs: <u>\$375,000</u> <b>\$825,000</b> <u>-\$12,000</u> <b>\$95,194,000</b>
<b>Total cost to respondents:</b>	<b>\$95,194,000</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 \$340,000. A summary chart is provided below.

Costs	Estimated Current Costs
Personnel Costs (i.e., salaries & benefits)	\$275,000
Overhead Costs (Rent & computer support)	\$65,000
Totals:	\$340,000

15. There are no program changes or adjustments in this Supporting Statement.

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

17. We do not seek approval to not display the expiration date for OMB approval of the information collection.

18. There are no exceptions to the certification statement.

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

No statistical methods are employed.