

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission (“Commission”) is requesting that the Office of Management and Budget (OMB) approve the establishment of a new information collection titled, “Licensing and Service Rules for Vehicle Mounted Earth Stations (VMES).”¹ On May 15, 2007, the Commission released a Notice of Proposed Rulemaking (NPRM) titled, “In the Matter of Amendment of Parts 2 and 25 of the Commission’s Rules to Allocate Spectrum and Adopt Service Rules and Procedures to Govern the Use of Vehicle-Mounted Earth Stations in Certain Frequency Bands Allocated to the Fixed-Satellite Service,” IB Docket No. 07-101, FCC 07-86.

The purpose of this NPRM is to seek comment from the public on whether to license VMES as an application of the fixed-satellite service (“FSS”) in the conventional and extended Ku-band frequencies. The Commission initiated the NPRM in response to a petition for rulemaking (“Petition”) filed by General Dynamics SATCOM Technologies, Inc. (“General Dynamics”).

The Commission anticipates that 15 companies would provide VMES service. Of those companies already proposing VMES services, General Dynamics proposes to provide information service to the military, while ViaSat and Qualcomm plan to provide consumer-oriented services to the general public in their cars and trucks.

This NPRM contains the following proposed new information collection requirements for which the Commission seeks OMB approval:

New Information Collection Requirements

1. Rule Section: 25.xxx

VMES applicant to demonstrate that its proposed system complies with the off-axis E.I.R.P. density limits (Pg. 25, Para. 52).

2. Rule Section: 25.xxx

VMES applicant to obtain and submit affidavits from potentially affected satellite operators agreeing to the applicant’s proposed operations (Pg. 25, Para. 52).

3. Rule Section: 25.xxx

VMES operator to maintain data logs on the operation of each VMES terminal (Pg. 28, Para. 61-62).

4. Rule Section: 25.xxx

¹ VMES is a mini-mobile earth station attached to a motor vehicle. VMES will be used to provide video, broadband internet, and emergency response services to the public. In addition, VMES will be utilized by the military to obtain information for use on the battlefield.

If the radiation guidelines of Section 1.1310 are exceeded, VMES operators to provide an environmental assessment and a plan for mitigation of radiation exposure to the extent required to meet those guidelines. (Pg. 32, Para. 70).

5. Rule Section: 2.907

Equipment certification that VMES terminals comply with Part 2 of FCC's technical rules (Pg. 32-33, Para. 71)

6. Rule Section: 25.xxx

VMES operator required to maintain in the U.S. both a network control and monitoring center and point of contact for 24 hours/7 days a week with the authority to cease all emissions from the VMES; point of contact to maintain information about the frequencies that the individual vehicles use (Pg. 35, Para. 78-79; Appendix B, Pg. 50).

7. Rule Section: 25.xxx

VMES applicant to provide narrative describing the overall system operations as well as specific information on the antennas, power density, and emission characteristics of each class of earth station comprising the network (Pg. 35, Para 79).

8. Rule Section: 25.132

VMES applicant seeking authority to use an antenna that does not meet the standards set forth elsewhere in the Commission's rules are required to submit a copy of the manufacturer's range test plots of the antenna gain patterns specified in Para. (b)(1) of this section, contact information and mitigation plan (Appendix B, Pg. 46).

The Commission has authority for this information collection pursuant to Sections 1, 4(i), 4(j), 7(a), 301, 303(c), 303(f), 303(g), 303(r), 303(y) and 308 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 151, 154(i), 154(j), 157(a), 301, 303(c), 303(f), 303(g), 303(r), 303(y), and 308.

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

2. In the NPRM, the Commission seeks comment on proposed licensing and service rules for VMES. VMES operators must submit applications (FCC Form 312) and exhibits (Schedule B and Schedule S) to the Commission to demonstrate that they comply with the Commission's legal and/or engineering rules.

3. Applicants must file the FCC Form 312, Schedule B and Schedule S in the International Bureau Filing System (IBFS). It is estimated that 100 percent of all applications are filed in the IBFS electronically. The Commission received approval for mandatory electronic filing of all satellite and earth station applications under OMB Control No. 3060-0678. Additionally, the FCC Form 312, Schedule B and Schedule S are approved by the OMB under OMB Control No. 3060-0678.

4. This information collection requirement is not duplicated elsewhere.

5. The Commission believes that, as the proliferation of Ku-band satellites makes Ku-band spectrum more accessible and reliable, the Ku-band could be an ideal operational environment for future VMES growth. The availability of extended Ku-band spectrum for non-coordinated use could help reduce costs to both large and small entities.

As stated in the NPRM, we believe that it will have no significant economic impact on small entities because the NPRM proposes significant alternatives such as: (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 small entities; (3) the use of performance, rather than design standards; and (4) an exemption from coverage or the rule, or any part thereof, for small entities.

The NPRM solicits comments on alternatives for more efficient processing of VMES applications and simplification of VMES procedures, for example, by migrating from non-conforming use licensing to a licensing method that would provide for licenses with terms of fifteen years. The NPRM also seeks comment on streamlining the application process for VMES operations by permitting blanket licensing of multiple VMES terminals in a single application, as an alternative to requiring all VMES terminals to be licensed individually. Adoption of some of these proposals would simplify the application process for VMES and establish licensing terms consistent with other satellite-based services, such as ESV. Thus, adoption of the proposed rules should reduce the costs associated with obtaining and maintaining authority to operate a VMES network. In summary, we certify that the requirements adopted in this NPRM will not have a significant economic impact on a substantial number of small entities.

6. The consequence to the Commission if the collection were not conducted is that there would continue to be regulatory uncertainty with respect to VMESs and other satellite services that operate in the Ku-band. Prior to this rulemaking, the lack of rules for VMESs posed an administrative burden on those entities attempting to provide VMES-type services and Commission staff because such services could be granted only through the use of waivers and Special Temporary Authority (STA) authorizations for a six-month period of time. The approval of fifteen-year licenses for VMES operators significantly reduces the burden imposed upon both licensees and Commission staff who review and approve the waivers and STAs. Furthermore, without such information the Commission would not be able to take the necessary measures to prevent harmful interference to satellite services from VMESs. Finally, the Commission would not be able to advance its goals of managing spectrum efficiently and promoting broadband technologies to benefit American consumers throughout the United States and abroad.

7. The collection of information is not being conducted in any manner known to be inconsistent with the guidelines in 5 CFR 1320.6. There are no special circumstances associated with this collection.

8. The Federal Register Summary will be published in the Federal Register within 30 days. A copy of the summary is included in this submission to OMB for reference.

9. The Commission does not provide any payment or gift to respondents.
10. The Commission does not provide assurances of confidentiality to entities submitting their filings and applications. However, entities may request confidential treatment of their applications and filings under 47 C.F.R. 0.459 of the Commission's rules. With regard to certifications filed pursuant to 47 C.F.R. 2.907 of the Commission's rules, parties receive minimal exemption from the Freedom of Information Act (FOIA) requests.
11. This collection does not contain questions of a sensitive nature.
12. Estimate of Burden Hours/Respondent Cost:

Please see the chart 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 |
|---|------------------------------|------------------------------|--------------------------|----------------------------------|
| Rule Section: 25.xxx VMES applicant to demonstrate that its proposed system complies with the off-axis E.I.R.P. density limits (Pg. 25, Para. 52) | 15 Respondents | 1 On occasion | 2 Hours | 30 Hours |
| Rule Section: 25.xxx VMES applicant to obtain and submit affidavits from potentially affected satellite operators agreeing to the applicant's proposed operations (Pg. 25, Para. 52) | 15 Respondents | 1 On occasion | 2 Hours | 30 Hours |
| Rule Section: 25.xxx VMES operator to maintain data logs on the operation of each VMES terminal (Pg. 28, Para. 61-62) | 15 Respondents | 1 On occasion | 2 Hours | 30 Hours |
| Rule Section: 25.xxx If the radiation guidelines of Section 1.1310 are exceeded, VMES operators to provide an environmental assessment and a plan for mitigation of radiation exposure to the extent required to meet those guidelines (Pg. 32, Para. 70) | 15 Respondents | 1 On occasion | 2 Hours | 30 Hours |

| Explanation of Burden Estimate | Number of Respondents | Frequency of Response | Time Per Response | Total Annual Burden Hours |
|---|-----------------------|-----------------------|-------------------|---------------------------|
| Rule Section: 2.907 Equipment certification that VMES terminals comply with Part 2 of FCC's technical rules (Pg. 32-33, Para. 71) | 15 Respondents | 1 On occasion | 2 Hours | 30 Hours |
| Rule Section: 25.xxx VMES operator required to maintain in the U.S. both a network control and monitoring center and point of contact for 24 hours/7 days a week with the authority to cease all emissions from the VMES; point of contact to maintain information about the frequencies that the individual vehicles use (Pg. 35, Para. 78-79; Appendix B, Pg. 50) | 15 Respondents | 1 On occasion | 2 Hours | 30 Hours |
| Rule Section: 25.xxx VMES applicant to provide narrative describing the overall system operations as well as specific information on the antennas, power density, and emission characteristics of each class of earth station comprising the network (Pg. 35, Para 79) | 15 Respondents | 1 On occasion | 2 Hours | 30 Hours |

| Explanation of Burden Estimate | Number of Respondents | Frequency of Response | Time Per Response | Total Annual Burden Hours |
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| Rule Section: 25.132 VMES applicant seeking authority to use an antenna that does not meet the standards set forth elsewhere in the Commission's rules are required to submit a copy of the manufacturer's range test plots of the antenna gain patterns specified in Para. (b)(1) of this section, contact information and mitigation plan (Appendix B, Pg. 46) | 15 Respondents | 1 On occasion | 2 Hours | 30 Hours |
| Totals: | 15 Respondents (Average) | 1 Frequency of Response | 2 Burden Hours (Average) | 240 Annual Burden Hours |

13. (a) Total capital and start-up costs: The 15 licensees pay an application fee of \$150 for each request for STA. A total of 15 licensees X \$150 for each STA = \$2,250.00 (rounded to \$3,000). In addition, the 15 licensees obtain the services of legal and/or engineering consultants at the rate of \$200 per hour X 4 hours X 15 licensees = \$12,000. The application fees of \$3,000 + \$12,000 = **\$15,000 total capital and start-up costs.** (b) Total operation and maintenance and purchase of services component is zero.

14. The estimated annual cost to the Federal government is \$18,000. The breakdown of costs is as follows:

Two (2) GS-15/Step 5 Attorneys

\$59.93 X 2 attorneys X 4 hours per application = \$479.44 X 15 applications = \$7,191.60

Two (2) GS-14/Step 5 Engineers

\$50.95 X 2 engineers X 4 hours per application = \$407.60 X 15 applications = \$6,114.00

Two (2) GS-12/Step 5 Industry Analysts

\$36.26 X 2 analysts X 4 hours per application = \$290.08 X 15 applications = \$4,351.20

\$7,191.60 cost for attorneys + \$6,114.00 cost for engineers + \$4,351.20 costs for analysts = **\$17,656.80 (rounded to \$18,000)** annual costs to the Federal government

15. This Supporting Statement reflects a program change of +240 annual hours and +\$15,000 in annual costs.
16. The results of this information collection requirement will not be published for statistical use.
17. Not applicable. The Commission is not seeking approval to not display the expiration date for OMB approval of this information collection.
18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

Not applicable. This information collection does not employ statistical methods.