

## SUPPORTING STATEMENT

### **A. Justification:**

The Federal Communications Commission (“Commission”) is requesting a three-year extension of the information collection titled, “Earth Stations on Board Vessels (ESV),” under Control No. 3060-1061 (Delegated Authority Collection). There are no changes in the number of annual respondents, annual burden hours and annual costs.

On May 25, 2005, the Commission received OMB approval for the PRA reporting requirements stated in the Report and Order (R&O) titled, "In the Matter of Procedures to Govern the Use of Satellite Earth Stations on Board Vessels (ESVs)<sup>1</sup> in the 5925-6425 MHz/3700-4200 MHz Bands and 14.0-14.5 GHz/11.7-12.2 GHz Bands," IB Docket No. 02-10, FCC 04-286. The Commission adopted the R&O on December 15, 2004 and released it on January 6, 2005.

The ESV R&O established licensing and service rules for ESVs operating in the 5925-6425 MHz/3700-4200 MHz Bands (C-band) and 14.0-14.5 GHz/11.7-12.2 GHz Bands (Ku-band). The ESV R&O is significant because it furthers two major goals of the Commission: (1) to facilitate the market-driven deployment of broadband<sup>2</sup> technologies and (2) to maximize the use of available spectrum to advance new technologies while minimizing interference to existing satellite services, such as Fixed Satellite Services (FSS).

The OMB approved the following information collection requirements related to the above referenced R&O on May 25, 2005:

- (1) C-Band and Ku-Band operators ("ESV operators") must collect and maintain vessel tracking data for one year to assist the Commission and affected operators in identifying and resolving sources of interference;
- (2) as a condition of licensing, applicants proposing ESV operations in the 14.0-14.05 GHz band

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<sup>1</sup> An Earth Station on Board Vessel (ESV) is an earth station onboard a craft designed for traveling on water receiving from and transmitting to fixed-satellite space stations. ESVs provide a means for crew and passengers to place telephone calls, send and receive E-mail, browse the Internet, watch television, and listen to the radio in real-time.

<sup>2</sup> Broadband technologies encompass all evolving high-speed digital technologies that provide consumers integrated access to voice, high-speed data, video-on-demand, and interactive delivery services. Broadband technologies are a fundamental component of the communications revolution. Fully-evolved broadband will virtually eliminate geographic distance as an obstacle to acquiring information and dramatically reduce the time it takes to access information.

and planning to travel within 100km of these sites, must coordinate through the National

Telecommunications and Information Administration (NTIA) Interdepartment Radio Advisory Committee's (IRAC) and, if necessary, the appropriate government agency to resolve any potential concerns; and

(3) ESV operators must have a contact that is available in the United States 24 hours a day, 7 days a week, to respond to Fixed Satellite (FS) operators' requests. The name, telephone number, and other pertinent information of the contact will be posted on the Commission's website, [www.fcc.gov](http://www.fcc.gov).

The PRA information requirements are listed under Item # 12 of this PRA Supporting Statement.

In the previous Supporting Statement, we stated that we planned to revise the Application for Satellite Space and Earth Station Authorizations (FCC Form 312) to reflect the rules related to ESVs. We also stated that additional and ongoing rulemakings that may also require modifications to the Form 312. We plan to modify the Form 312 only after all the applicable rulemakings have been completed. As a result, there will be a period of time after the effective date of this R&O during which Form 312 will not be altered to accommodate ESV applications. In the interim, ESV applicants should utilize Form 312 and submit attachments providing the relevant information and certifications reflected in the ESV rules. (Note: The Form 312 is approved by the Office of Management and Budget (OMB) under OMB Control No. 3060-0678).

Statutory authority for this information collection is 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 OMB Form 83-I, this information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The Commission established licensing and service rules to govern ESV operations and to prevent interference to other satellite operators within the Ku-bands and C-bands. ESV operators must submit applications (FCC Form 312) and exhibits (Schedule B) to the Commission to demonstrate that they comply with the Commission's legal and/or engineering rules. Additionally, the Commission requires a myriad of technical information such as frequency of operation, maximum transmit power, antenna diameter, antenna height above sea level and velocity of the vessel to evaluate potential interference to fixed satellites from ESVs. The purposes of this information collection are as follows: (1) establish licensing and service rules for ESVs in the Ku-band and C-band; (2) prevent harmful interference to Fixed Services (FS), Fixed Satellite Service (FSS) and other satellite services; (3) further the Commission's goals to manage spectrum efficiently; and (4) advance the provision of broadband telecommunications services that will benefit U.S. citizens on passenger, government (military and civilian), cargo and large recreational vessels.

3. Applicants must file the FCC Form 312 and Schedule B in the International Bureau Filing System (IBFS). A total of 100 percent of all applications are filed in the IBFS electronically.
4. This information collection requirement is not duplicated elsewhere.
5. The Commission believes that the proliferation of Ku-band satellites are making Ku-band spectrum more accessible and reliable, the Commission views the Ku-band as an ideal operational environment for future ESV growth. The availability of Ku-band spectrum for non-coordinated use could help reduce costs to both large and small entities. We believe that it will have no significant economic impact on small entities because ESV operators will have the ability to choose the spectrum (Ku-band or C-band) that meets their needs and will not be precluded from being licensed in each band. In addition, permitting this flexibility will greatly reduce interference problems.

Among other requirements, the Commission requires operators in both bands to collect and maintain vessel tracking data to assist in identifying and resolving sources of interference. The Commission also provides for independent licensing of ESV hub stations and blanket licensing for ESV earth stations in order to give both C- and Ku-band ESV operators greater flexibility in structuring their operations. Finally, consistent with ITU encouragement of administrative cooperation in reaching agreements on the use of ESV systems, the Commission established a regulatory framework that will enable foreign-licensed ESVs to operate near the United States without causing harmful interference to domestic operations. Again, a flexible approach will benefit all entities, and the requirements should not have a significant economic impact on small entities.

ESV operators are required to establish a database for tracking the location of ESV remote earth stations and to maintain a point of contact for resolving possible claims of harmful interference. The Commission does not expect small entities to incur significant costs associated with this requirement. The new licensing rules will benefit both large and small entities by streamlining the process for obtaining authority from the Commission to provide ESV service. Small entities will benefit from the flexibility of being able to operate in the Ku-band where there are very few restrictions. We believe these requirements are nominal and do not impose a significant economic impact on small entities.

In summary, we certify that the requirements adopted in this Report and Order 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 ESVs and other satellite services that operate in the Ku-band and the C-band. Prior to this rulemaking, the lack of rules for ESVs posed an administrative burden on the ESV licensees and Commission staff because ESVs are granted 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 ESV 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 ESVs. 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. On December 3, 2007, the Commission published a 60-day notice (FR cite: 72 FR 67934) in the Federal Register to solicit comments from the public. The comment period ended on February 1, 2008. No comments were received from the public with regard to the notice. A reference to the FR notice appears in OMB's electronic system (ROCIS).

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 Part 2 of the Commission's rules, parties receive minimal exemption from the Freedom of Information Act (FOIA).

11. This collection does not contain questions of a sensitive nature.

12. Please see Attachment A for the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

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 annual cost to the Federal government is \$14,724. The breakdown of costs is as follows:

Two (2) GS-14/Step 5 Attorneys

$\$45.25 \times 2 \text{ attorneys} \times 4 \text{ hours per application} = \$362 \times 15 \text{ applications} = \$5,430$

Two (2) GS-14/Step 5 Engineers

$\$45.25 \times 2 \text{ engineers} \times 4 \text{ hours per application} = \$362 \times 15 \text{ applications} = \$5,430$

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

$\$32.20 \times 2 \text{ analysts} \times 4 \text{ hours per application} = \$257.60 \times 15 \text{ applications} = \$3,864$

$\$5,430 \text{ cost for attorneys} + \$5,430 \text{ cost for engineers} + \$3,864 \text{ costs for analysts} = \mathbf{\$14,724}$   
**annual costs to the Federal government.**

15. There are no changes in burden.

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.

**Attachment A – PRA Burden Estimates**

<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>
<p><b>§§ 25.221 &amp; 25.222</b> Blanket Licensing rules for ESVs to operate. Applicants request a single license for the overall earth station network including the hub earth station and remote earth stations using FCC Form 312</p>	15	One-time filing	2 hours	30 hours
<p><b>§§ 25.221(c) and 25.222(c)</b> ESV Licensee would be required to maintain the following data: Point of Contact for Network; Name of ESV operator(s); accurate list of vessels on which the ESVs are located; the frequency, bandwidth and satellites that the ESVs are using; itinerary for each vessel from which the ESVs are operating in the network.</p>	15	One-time filing if interference complaint is filed with FCC.	1 hour	15 hours

Explanation of Burden Estimate	Number of Respondents	Frequency of Response	Time Per Response	Total Annual Burden Hours
<p>§§ 25.221 (c)(1) and 25.222(c)(1) Under Coordination Approach, the ESV operator would maintain vessel tracking data for a <b>one year</b> period of time and make the data available to the Commission or frequency coordinator within 72 hours upon request. Note: 15-year license term under Coordination Approach</p>	15	One-time filing	0.5 hours	7.5 hours
<p>§ 25.221(e) ESVs operating in the 5925-6425 MHz band, shall complete coordination prior to operation. The details of the coordination shall be filed with the Commission and placed on Public Notice. Operation of each ESV may commence after the Public Notice is released. If any party objects to the coordination prior to the end of the 30-day comment period of the Public Notice, the licensee shall cease operation of the station until the coordination dispute is resolved and the ESV licensee informs the Commission of the resolution.</p>	15	Ongoing; as necessary	4 hours	60 hours
<b>Totals:</b>	<b>15 Respondents</b>	<b>Varies By Each Item</b>	<b>2 Hours Average</b>	<b>113 (Rounded up from 112.5)</b>