

SUPPORTING STATEMENT

A. Justification:

1. Section 25.139, which the Commission adopted in the *2002 Order* in ET Docket No. 98-206,¹ requires NGSO FSS licensees to maintain a subscriber database in a format that can be readily shared to enable MVDDS licensees to determine whether a proposed Multichannel Video Distribution and Data Service (MVDDS) transmitting antenna meets the minimum spacing requirement relative to qualifying, existing NGSO FSS subscriber receivers (set forth in § 101.129, FCC Rules).²

The Commission is submitting this information collection as an extension (no change in requirements) in order to obtain the full three-year clearance from OMB.

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

Statutory Authority for this information collection is contained in 47 U.S.C. §§ 154(i), 157(a), 301, 303(c), 303(f), 303(g), 303(r), 308, and 309(j).

2. The Commission uses § 25.139 to ensure that NGSO FSS licensees provide MVDDS licensees with the data needed to determine whether a proposed MVDDS transmitting site meets the minimum spacing requirement relative to certain NGSO FSS receivers.

3. Prior to finalizing rule makings the FCC conducts an analysis to insure that improved information technology cannot be used to reduce the burden on the public. This analysis considers the possibility of obtaining and/or computer-generating the required data from existing data bases in the Commission or other federal agencies

¹ On May 23, 2002, the Commission released a *Memorandum Opinion and Order and Second Report and Order* (“*2002 Order*”) in ET Docket No. 98-206 (Amendment of Parts 2 and 25 of the Commission’s Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the Commission’s Rules to Authorize Subsidiary Terrestrial Use of the 12.2 – 12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Application of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. To Provide A Fixed Service in the 12.2 – 12.7 GHz Band) 67 FR 43031, June 26, 2002 (correcting amendments published by *Order*, ET Docket No. 98-206, 19 FCC Rcd 9727 (MD 2004), 69 FR 31745 (June 7, 2004).

² In the *Fourth MO&O* in ET Docket No. 98-206 (68 Fed. Reg. 43945, July 25, 2003), the Commission amended § 25.139(a) to clarify that the information NGSO FSS licensees are required to provide MVDDS should be construed narrowly and that only information necessary to achieve the required 10 km separation under § 25.139(b) needs to be provided. This clarification did not result in revisions to OMB Control No. 3060-1021.

4. No other federal agency collects this data.
5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements to that absolutely necessary to deter against possible abuses.
6. The consequence of not requiring NGSO FSS licensees to maintain a subscriber database in a format that can be readily shared with MVDDS licensees (within ten business days of receiving notification of the location of a proposed MVDDS transmitting antenna) is that coordination between NGSO FSS and MVDDS licensees would be significantly delayed, thereby delaying the implementation of the proposed operation and/or increasing the potential for interference.
7. Current data collection is consistent with the guidelines in 5 CFR Section 1320.6.
8. We published a notice in the *Federal Register* on April 14, 2008 (73 FR 20047) as required by 5 CFR Section 1320.8. No comments were received. A copy of the notice is referenced in the submission to OMB.
9. Respondents will not receive any payments.
10. There is no need for confidentiality.
11. This does not address any private matters of a sensitive nature.
12. The estimated number of respondents is 6. The time to manage and maintain the database is estimated at 6 hours a year.

6 respondents x 6 hours = **36 Total Annual Burden Hours**
13. Estimate of cost to respondents:
 - a. There are no capital or start-up costs.
 - b. There are no operational or maintenance costs.
14. Estimate of cost to Federal Government: none.
15. There is no change in burden reported at this time.
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 were no exceptions to Item 19 in the Certification Statement.

B. Collection of Information Employing Statistical Methods:

No statistical methods are employed.