

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission (“Commission”) is requesting a three-year extension of the currently approved information collection (delegated authority collection) titled, “Redesignation of the 18 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the Ka-Band, and the Allocation of Additional Spectrum for Broadcast Satellite Service Use” under OMB Control No. 3060-0962. There are no changes in the number of annual respondents, annual burden hours and annual costs.

The percentage of applications filed electronically increased from 75 percent to 100 percent as a result of the Report and Order titled, “In the Matter of Mandatory Electronic Filing For International Telecommunications Services and Other International Filings,” IB Docket No. 04-226, FCC 05-91. The Report and Order was adopted by the Commission on April 29, 2005 and released on May 11, 2005. As a result of this R&O, the Commission implemented mandatory electronic filing of all international applications, including all satellite and earth station applications. Mandatory electronic filing of international applications is approved by the OMB under OMB Control No. 3060-0678.

Summary of Rulemaking:

On June 22, 2000, the Commission released a Report and Order, FCC 00-212, IB Docket No. 98-172. With this rulemaking, the Commission adopted rules that redesignated portions of the 17.7-20.2 GHz band, (“18 GHz band”), among the various currently allocated services in order to make more efficient use of this spectrum and to better accommodate the operational needs of licensees.

The adopted band plan and associated decisions ensures that terrestrial fixed service (FS) operators will have continued interference-free access to spectrum at 18 GHz, while allowing the prompt and efficient deployment of new satellite systems in part through the authorization of satellite earth stations on a blanket license basis. Where feasible, terrestrial fixed service channels have been separated from those employed in Fixed-Satellite Service (FSS) systems, through the designation of dedicated sub-bands. Current and future services in the 18 GHz band will typically include broadband internet access, interactive multimedia, franchised or private cable, cellular backbone, satellite feederlinks, telemedicine and various digital data services.

In the Report and Order, the Commission also adopted a blanket licensing procedure that allows GSO/FSS satellite earth stations in the Ka-band (the 18 GHz down link band and 27.5-30 GHz up link band) to operate under a single system license in those segments of these bands that are designated for their sole primary use. This decision provides a fast and efficient means of licensing the large numbers of small antenna earth stations expected to be deployed.

Finally, the Commission adopted a new allocation for the Broadcasting-Satellite Service (BSS) and an associated allocation for FSS feeder links for systems implementing that allocation. The

BSS allocation is at 17.3-17.7 GHz and became effective on April 1, 2007. The FSS feeder link allocation is at 24.75-25.25 GHz and becomes effective immediately.

To facilitate the rules above, the Commission set forth a minimal yearly reporting requirement found in Section 25.145(g)(4). Sections 101.89(d) and 101.95(a) also set forth third-party notification requirements that are to be used in parties' negotiation processes. Finally, Section 101.96(b) provides that if parties cannot agree on a schedule or an alternative arrangement, then they may file requests for extensions of time with the Commission.

On January 31, 2002, the Federal Communications Commission adopted, and on February 6, 2002 it released, a Notice of Proposed Rulemaking in the matter of The Establishment of Policies and Service Rules for the Non-Geostationary Satellite Orbit, Fixed Satellite Service in the Ka-Band ("Ka-Band NGSO FSS NPRM") IB Docket No. 02-19, FCC No. 02-30. The Commission proposes to require certain information from applicants who would provide NGSO FSS in the Ka-Band. After the Commission issues a Report and Order in which it determines the means for spectrum sharing among the applicants and the rules for the NGSO FSS in the Ka-Band, the Commission will require the applicants to amend their pending applications to conform to the decisions in that Report and Order. This information collection arose out of the rulemaking process. Once applicants are licensed, they will then be required to certify when they meet milestone deadlines set forth in their licenses, and they will be required to file annual reports on the status of their space station construction and launch. These information collections match annual reporting requirements already required of other satellite services.

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 collection of information pursuant to Sections 1, 4(i), 301, 303, 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. Sections §§ 151, 154(i), 301, 303, 308, 309, and 310.

2. This collection required GSO/FSS satellite earth stations in the Ka-band to amend their applications, submit annual reports and milestone certifications to the Commission in order to conform to the proposed new rules stated in the Notice of Proposed Rulemaking in the matter of The Establishment of Policies and Service Rules for the Non-Geostationary Satellite Orbit, Fixed Satellite Service in the Ka-Band ("Ka-Band NGSO FSS NPRM") IB Docket No. 02-19, FCC No. 02-30. This information collection facilitates the Commission's efforts to use spectrum more efficiently and to better accommodate the operational needs of licensees. In addition, the collection of this information is necessary for the Commission to determine whether licensees are complying with the rules applicable to satellite earth stations and to deploy new satellite systems.

3. Licensees filing conforming amendments to their space station applications must use the Commission's International Bureau Filing System (IBFS), a user-friendly, Internet-based electronic

filing system. This Supporting Statement and OMB 83-I reflects that 100 percent of responses are collected electronically in the IBFS.

4. The Commission does not impose similar information collections on the respondents. There are no similar data available.
5. The rules adopted in this Ka-Band NGSO FSS NPRM apply only to entities providing NGSO FSS. Small businesses will not have the financial ability to become NGSO FSS system operators because of the high implementation costs, including construction of satellite space stations and rocket launch, associated with satellite systems and services. Since the spectrum and orbital resources available for assignment are not open to new entrants, we estimate that only the five applicants whose applications are pending will be authorized by the Commission to provide these services. None of the five applicants is a small business because each has revenues in excess of \$12.5 million annually or has parent companies or investors that have revenues in excess of \$12.5 million annually. The Commission has, therefore, certified that the rules adopted in this Ka-Band NGSO FSS NPRM will not have a significant economic impact on a substantial number of small entities.
6. If the collection were not conducted, the Commission would not be able to verify whether GSO/FSS satellite earth stations in the Ka-band were operating in accordance with Commission rules. Additionally, spectrum would not be used most efficiently and would, therefore, result in hindering the provision of new or enhanced telecommunications services to the public.
7. The collection of information will not be conducted in any manner inconsistent with the guidelines 5 CFR 1320.6.
8. On December 10, 2007, the Commission published a 60-day notice (72 FR 69682) in the Federal Register. The comment period ended on February 8, 2008. No comments were received from the public.
9. The Commission will not provide any payment or gift to respondents.
10. There is no need for confidentiality of information contained in the applications filed with the Commission.
11. This collection of information does not contain questions of a sensitive nature.
12. Applicants to provide NGSO FSS in the Ka-Band amended their pending applications to conform to frequency sharing methods adopted in the Ka-Band NGSO FSS NPRM. They submitted milestone certifications to ensure adherence to milestone schedules that will be established in their prospective authorizations. Once applicants are licensed, they will be required to file annual reports on the status of their space station construction and launch.

There are five applicants for the NGSO FSS. They will be the respondents affected by this

collection of information. Each of the five applicants is required to file conforming amendments. In our experience, almost all satellite operators rely on outside legal and engineering assistance to prepare information collection requirements for the Commission.

We estimate that the additional average burden on an operator to hire such outside assistance and to review conforming amendments to their space station applications will be four (4) hours. We estimate the additional average burden on an applicant to hire outside assistance and to review a milestone certification will be one (1) hour. Finally, we estimate the additional average burden on an applicant to hire outside assistance and to review annual reports will be one (1) hour or less.

In-house burden to respondents: As discussed above, based on our experience, almost all satellite operators rely on outside legal and engineering assistance to prepare information collection requirements for the Commission. Labor hours performed by outside assistance are not considered paperwork burden hours and are instead accounted for in item #13 as costs to respondents. Labor hours performed by in-house staff to hire outside legal and engineering assistance and to review their work product are considered paperwork burden hours and the burden for these hours is as follows:

5 conforming amendments to space station applications x 4 hours per disclosure = 20 hours
5 milestone certifications x 5 milestones each x 1 hour per certification = 25 hours
5 annual reports x 1 hour per report = 5 hours
500 annual written notifications for FSS licensees to relocate FS licensees to other microwave bands = 500 hours
20 written notifications to vacate spectrum x 1 hour per report = 20 hours
5 requests for extension of time x 4 hours per report = 20 hours
Total number of respondent burden hours = **590 hours** (20 + 25 + 5 + 500 + 20 + 20)

Over a period of time, the only requirement that will remain active in this collection will be the annual report filing requirement. The Commission will adjust the annual paperwork burden in a future submission of this collection to OMB at the appropriate time.

We estimate that the hourly rate for respondents' in-house staff to undergo the information collection requirements contained in this collection is \$40 per hour. Accordingly, 50 hours x \$40 per hour = \$2,000.

13(a). Total capital and start-up cost component (annualized over its expected useful life) = \$0. We do not believe that the collection requirements adopted in the Ka-Band NGSO FSS NPRM will impose significant additional capital and start up costs on respondents. The collection of information regarding each applicant's orbital debris mitigation plan will not require the purchasing of additional computers, software, or other equipment because this information can be prepared using computers and software already used in satellite system design and in preparing existing applications for space station authorization.

13(b). Total operation and maintenance and purchase of services component = \$60,000.

In our experience, almost all satellite operators rely on outside legal and engineering assistance to prepare information collection requirements for the Commission. We estimate the hourly rate for outside legal and engineering assistance is \$200 per hour. We estimate that the additional average burden on outside assistance to prepare conforming amendments to space station applications will be 30 hours. We estimate the additional average burden on outside assistance to prepare a milestone certification will be 1 hour. Finally, we estimate the additional average burden on outside assistance to prepare annual reports will be two (2) hours. These numbers are conservative estimates and may be less if notice can be provided via an Internet posting.

Accordingly, the additional annual cost burden to respondents resulting from the collection of information discussed in the Ka-Band NGSO FSS NPRM is as follows:

5 conforming amendments to space station applications x 30 hours per amendment = 150 hours
5 milestone certifications x 5 milestones each x 1 hour per certification = 25 hours
5 annual reports x 2 hours per report = 10 hours per year
Total number of outside burden hours = 185 hours (150 + 25 + 10)

We estimate that the hourly rate for outside legal and engineering assistance is \$200 per hour. This figure is based on a small survey of local firms in the D.C. area and is considered a conservative estimate. Accordingly, 185 hours x \$200 per hour = \$37,000.

In addition, licensees are required, by act of Congress, to pay application fees to file their conforming amendments. The application fee for an amendment to a space station application is \$4,600 per amendment.

Accordingly, the total operation and maintenance and purchase of services component is:

\$37,000 outside legal and engineering assistance
23,000 (\$4,600 x 5) conforming amendments
\$60,000 Total operation and maintenance and purchase of services

14. Annual costs for work activities performed by Commission staff are expected to be minimal. Costs include the time of Commission staff, including attorneys and engineers, to review information collected from respondents and to consider possible comments on these plans from other potentially interested parties. No additional overhead or support staff will be required that would not have been already incurred without this collection of information. Minimal additional printing and publication expenses will be required to provide public notice of the collected information, where appropriate.

We estimate our costs as follows:

Conforming amendments to space station applications = 5
Number of average hours per submission = 10

Milestone certifications = 25
 Number of average hours per submission = 1
Annual reports = 5
 Number of average hours per submission = 1

Total number of hours = 80 (50 + 25 + 5)
Hourly rate = \$40
Total cost = 80 x \$40 = \$3,200

The core Commission staff consists of 1 Attorney Advisor (GS-11 to GS-14) and 1 Engineer (GS 11 – GS 14) at an average rate of \$40 per hour. The time of review is an estimate of the average number of hours of review, and may be substantially greater or less depending on the particular collection. In addition, we anticipate minimal additional printing and publication expenses around \$1,000 per year in order to provide public notice of the collected information, where appropriate.

Total cost to the Federal government = \$3,200.

15. There are no program changes or adjustments in this Supporting Statement.
16. The results of this collection of information 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:

This collection does not employ statistical methods.