

## **SUPPORTING STATEMENT**

### **A. Justification:**

1. The Federal Communications Commission ("Commission") requests that the Office of Management and Budget (OMB) approve a revision of the information collection titled, "Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations" under OMB Control No. 3060-0678. The purpose of this revision is to reflect the new information collection requirements in the rulemaking summarized below.

### Rulemaking

On October 17, 2008, the Federal Communications Commission ("Commission") released an Eighth Report and Order and Order on Reconsideration titled, "In the Matter of 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; Streamlining the Commission's Rules and Regulations for Satellite Applications and Licensing Procedures" (FCC 08-246), IB Docket Nos. 00-248 and 95-117. In the Eighth Report and Order, the Commission further streamlined the Commission's non-routine earth station processing rules by adopting a new earth station procedure that will enable the Commission to treat more applications routinely than is possible under the current earth station procedures. This rulemaking facilitates the provision of broadband Internet access services.

### Summary of Information Collection Requirements

The PRA information collection requirements contained in the Eighth Report and Order are as follows:

1. The Commission plans to modify the "Application for Satellite Space and Earth Station Authorizations" (FCC Form 312), including Schedule B, in the International Bureau Filing System ("MyIBFS") to reflect the off-axis equivalent isotropically radiated power (EIRP) envelope compliance requirement. In the interim, earth station applicants must submit attachments<sup>1</sup> to the FCC Form 312 to show their compliance with the off-axis

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<sup>1</sup> Earth station applicants who choose to have their applications reviewed under the off-axis EIRP approach adopted in the *Eighth Report and Order* must file three tables. Each of these tables must display the off-axis EIRP levels at 0.1° increments for off-axis angles between 1.5° and 10°, and at 5° increments for off-axis angles between 10° and 180°. Earth station applicants subject to this requirement must provide three tables of this kind: (1) in the plane of the geostationary orbit; (2) in the elevation plane; and (3) towards the horizon. See *Part 25 Eighth Report and Order* at para. 58. See also Sections 25.115(h), 25.218, 25.220 of the Commission's rules, 47 C.F.R. §§ 25.115(h), 25.218, 25.220.

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EIRP requirement. These requirements are pursuant to Sections 25.115(h), 25.218 and 25.220 of the Commission's rules.

2. Earth station licensees who plan to use a contention protocol must certify<sup>2</sup> that their contention protocol usage will be reasonable pursuant to 25.134(g)(4) of the Commission's rules. In the future, the Commission will revise the FCC Form 312 in MyIBFS to provide a streamlined method for earth station applicants planning to use a contention protocol to make this certification.

The statutory authority for this information collection is contained in Sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 157(a), 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 and legal 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.

As technology advances and new spectrum is allocated for satellite use, applicants for satellite service will continue to submit the information required in Part 25<sup>3</sup> 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. Applicants are required to complete and file the "Application for Satellite Space and Earth Station Authorizations" (FCC Form 312) with the Commission electronically via the International Bureau Filing System ("MyIBFS"). A total of 100 percent of the documents are filed electronically in MyIBFS.

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

5. In conformance with the PRA, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has 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. The rules adopted in this *Order* are

<sup>2</sup> This certification should be in the form of a narrative statement.

<sup>3</sup> This information collection accounts for a portion of the information collection requirements contained under Part 25. OMB has approved other information collections for Part 25 apart from collection 3060-0678.

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not intended to increase the reporting, record keeping and other compliance requirements of any licensee, and we do not anticipate any differential treatment to be received by larger and smaller entities.

6. If the various data in this collection were collected less frequently or not filed in conjunction with our rules, then applicants and licensees would not obtain the authorization necessary to provide telecommunication services; the Commission would not be able to carry out its mandate as required by statute; and applicants and licensees would not be able to provide services to the public effectively.
7. The Commission does not propose any new or amended information collection requirements that are not consistent with the general information collection guidelines in 5 CFR § 1320.
8. On November 17, 2008, the Commission published a 60-day public notice in the Federal Register (Cite: 73 FR 67868) to solicit comments from the public. The comment period ended on January 16, 2009. No comments were received from the public.
9. Respondents will not receive any payments or gifts.
10. There is no need for confidentiality with this collection of information.
11. This information collection does not address any matters of a private or sensitive nature.

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12. Estimate of Burden Hours/Respondent Cost:

Please see the charts below for the **4,112 respondents** and their time per response, total annual burden hours, and explanation of burden estimate.

<b>Explanation of Burden Estimate</b>	<b>Number of Responses</b>	<b>Time Per Response</b>	<b>Total Annual Burden Hours</b>
<b>Rule Sections: 25.115(h), 25.218 and 25.220</b> Earth station applicants must submit a table to show their compliance with the off-axis EIRP envelope ( <u>Short term</u> ; file tables as attachments to Form 312; <u>Long-term</u> : The FCC Form 312 and Schedule B will be modified in the IBFS to reflect the off-axis EIRP envelope compliance requirement) <sup>4</sup>	400 per year	1 hour (On Occasion)	400
<b>Rule Section: 25.134(g)(4)</b> <sup>5</sup> Earth station licensees who plan to use a contention protocol must certify that their contention protocol usage will be reasonable. Commission will revise Form 312 to provide a streamlined method for earth station applicants planning to use a contention protocol to make this certification.	250 per year	15 minutes (0.25 hrs.) (On Occasion)	62.5
<b>Totals:</b>	<b>650 Annual Responses</b>	<b>0.25 hours to 1 hour per response</b>	<b>462.5 (Rounded up to 463) Annual Burden Hours</b>

<sup>4</sup> The total annual burden hours are the same for both the short-term and long-term explanations of burden estimates.

<sup>5</sup> There is true burden attached to the certifications pursuant to Section 25.134(g)(4). These narrative certifications will take the respondent 15 minutes per certification to complete. These certifications are not exempt under the PRA.

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<b>Explanation of Burden Estimate</b>	<b>Number Of Annual Respondents</b>	<b>Time Per Response</b>	<b>Total Annual Burden Hours</b>
Previous PRA Submission <sup>6</sup>	3,462 Annual Responses	1-24 Burden Hours	42,116 <sup>7</sup> Annual Burden Hours
Current PRA Submission	650 Annual Responses	0.25 hours – 1 hour	463 <sup>8</sup> Annual Burden Hours
<b>Totals:</b>	<b>4,112 Annual Responses</b>	<b>0.25 hours – 24 hours</b>	<b>42,579 Annual Burden Hours</b>

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

(a). **Total Capital and Start-Up Costs: 0.**

(b). **Total Operation and Maintenance Costs:**

Cost 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.

\$200 per hour X 4,112 respondents/responses X 2 hours per submission = **\$1,644,800**  
**Annual Costs for Outside Legal/Engineering Assistance**

Application Filing Fees: Part 25-related application fee range from \$60 to \$380,835. The average of these two figures is \$190,448. A total of 4,112 respondents X \$190,448 average fee = **\$783,122,176**

c. **Total Annualized Cost:**

<sup>6</sup> See attachment A on page #8 of this supporting statement for the information collection requirements that have been approved by OMB and have not changed since last approved.

<sup>7</sup> OMB previously approved the burden of 42,116 hours for requirements contained in the chart on page 8 of this supporting statement. These requirements require between 1 – 24 hours of the respondent’s time to complete 3,462 of the responses contained in this supporting statement.

<sup>8</sup> The new requirements that the Commission is currently seeking OMB approval for will take 0.25 – 1 hour of the respondent’s time to complete 650 of the new responses contained in this supporting statement for a total burden for the new requirements of 463 hours.

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<b>Total Costs to the Industry</b>	<b>Totals</b>
Estimated Application Filing Fees	\$783,122,176 <sup>9</sup>
Estimated Cost of Outside Legal/Engineering Assistance	\$1,644,800 <sup>10</sup>
<b>Total Cost to Respondents</b>	<b>\$784,766,976</b>

14. Estimates of Annualized Cost to the Federal Government:

The estimates of annualized cost to the Federal government is summarized in the chart below. As shown in the chart, the annualized costs to the Federal government are \$824,490.00. The chart contains staff salaries, burden hours and annualized costs.

<b>Federal Government Staff</b>	<b>Number of Staff</b>	<b>Salary Per Hour</b>	<b>Annual Burden Hours</b>	<b>Annualized Costs</b>
GS-15/Step 5 Attorney	1	\$62.62	500	\$31,310.00
GS-14/Step 5 Attorney	1	\$53.24	500	\$26,620.00
GS-15/Step 5 Engineers	2	\$62.62	2,000	\$250,480.00
GS-14/Step 5 Engineers	2	\$53.24	2,000	\$212,960.00
GS-12/Step 5 Analysts	4	\$37.89	2,000	\$303,120.00
	<b>10</b>		<b>7,000</b>	<b>\$824,490.00</b>

15. This Supporting Statement reflects program changes of +463 annual burden hours and +\$260,000 annual costs. These program changes are attributed to the new information collection requirements stated in the Eighth Report and Order (FCC 08-246).

This Supporting Statement also reflects an adjustment of +\$170,787,850 annual costs. This adjustment is due to increases in application fees.

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

17. We continue to seek a waiver of the requirement to display the expiration date of OMB approval on the FCC Form 312 and Schedule S and wish to instead display an edition date. If these forms remain unchanged when it is time to renew OMB approval for this collection, the

<sup>9</sup> Due to increases in application fees the Commission has an adjustment to the annual cost burden of +\$170,787,850.

<sup>10</sup> Due to new requirements adopted by the Commission in FCC 08-246 the Commission has a program change of +\$260,000 to the annual cost burden.

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Commission would be required to destroy all stock on hand displaying the old expiration dates and then reprint and redistribute the forms with the new expiration date. Additionally, it would require the Commission to modify the electronic versions also. This would be an undue burden on Commission resources and may lead to confusion among licensees.

18. On November 17, 2008, the Commission published a 60-day notice in the Federal Register (Cite: 73 FR 67868) that stated that the annual costs are \$613,719,126 and the estimated time per response is 1 hour. This Supporting Statement reflects a more accurate total of annual costs in the amount of \$784,766,976 and an estimated time per response as 0.25 hours – 24 hours per response. There are no other exceptions to the Certification Statement.

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

No statistical methods are employed.

**ATTACHMENT A**

**APPROVED INFORMATION COLLECTION REQUIREMENTS  
FOR COLLECTION 3060-0678 WHICH HAVE NOT  
CHANGED SINCE LAST APPROVED BY OMB**

Collection 3060-0678 is the collection for FCC Form 312, including Schedule S. Form 312 was initially approved in 1996. Schedule S was added in 2003. Below is a list of rules in Part 25 of the Commission's rules, 47 C.F.R. Part 25, which specify the information requirements for satellite and earth station applicants using Form 312.

Rule Section	Information Requirement
25.110	General requirement to file satellite and earth station applications on Form 312.
25.114 and 25.140	General list of information requirements for space station applications.
25.115 and 25.130	General list of information requirements for earth station applications.
25.116	Information requirements for amendments to satellite and earth station applications.
25.117 and 25.118	Information requirements for modifications to satellite and earth station licenses.
25.131	Information requirements for registration of receive-only earth stations.
25.132	Antenna gain pattern test results must be provided as an attachment to earth station applications.
25.137	Non-U.S.-licensed satellite operators must file requests to enter the U.S. market on Form 312.
25.148	DBS applicants must complete Form 312 and provide certain other information.
25.220	Attachments to Form 312 for certain non-routine earth stations.
25.277	Attachments to Form 312 for temporary-fixed earth stations certifying coordination.