

SUPPORTING STATEMENT**A. Justification:**

1. The Federal Communications Commission (“Commission”) is requesting a three-year extension of a currently approved delegated authority information collection titled, “28 GHz Band” under OMB Control No. 3060-0768 from the Office of Management and Budget (OMB).

Rulemaking

The Commission released a First Report and Order and Fourth Notice of Proposed Rulemaking on July 22, 1996 titled, “In the Matter of Rulemaking to Amend Parts 1, 2, 21 and 25 of the Commission’s Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services,” CC Docket No. 92-297 (FCC 96-311). In this rulemaking, the Commission adopted a band plan that permitted Local Multipoint Distribution Systems (LMDS), Fixed Satellite Service (FSS) systems, and feeder links for Non-Geostationary Mobile Satellite Service (NGSO/MSS) systems to operate in the 27.5 - 30.0 GHz band (“28 GHz band”).

The Commission’s band segmentation plan promotes competition by permitting all proposed services to develop and offer innovative consumer services such as video program distribution, two-way interactive video, teleconferencing, telemedicine, telecommuting, and high speed data services within the U.S. and abroad.

In January 2006, the Commission received OMB approval of the third party disclosure requirements that resulted from the First Report and Order referenced above. The Commission would like to retain OMB approval of the third party disclosure requirements listed below.

1. GSO/FSS licensees are required to notify the current licensed LMDS operator of its satellite launch date six months prior to that date pursuant to FCC 96-311;
2. GSO/FSS licensees are required to provide updates on the satellite's status upon the request of the current operating LMDS system pursuant to FCC 96-311;
3. LMDS licensees are required to serve copies of their applications on all NGSO/MSS applicants (Section 101.147);
4. NGSO/MSS feeder link earth stations must specify a set of geographic coordinates for the location of these earth stations, 15 days after the release of a public notice announcing the commencement of LMDS auctions (Section 101.147);
5. One NGSO/MSS licensee is required to provide its feeder link earth station

locations to the GSO/FSS licensees pursuant to FCC 96-311.

6. Both NGSO/MSS feeder link earth station operators and GSO/FSS licensees are required to exchange the necessary technical parameters required for coordination (Section 25.258).

The statutory authority for this collection of information and third party disclosure requirements is contained in Sections 25.101 to 25.601 issued under Section 4, 48 Stat. 1066, as amended; 47 U.S.C. 154; Sections 101-104, 76 Stat. 416-427; 47 U.S.C. 701-744; and 47 U.S.C. 554. Statutory authority for Part 101 is contained in 47 U.S.C. Section 154, 303, unless otherwise noted. 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 information is used by the Commission and other applicants and/or licensees in the 28 GHz band to facilitate technical coordination of systems among applicants and/or licensees in the 28 GHz band. Without such information, the Commission could not implement the band plan as set forth in the First Report and Order and Fourth Notice of Proposed Rulemaking.

3. The third-party disclosure requirements listed under Item # 1 of this Supporting Statement do not involve the use of electronic collection techniques. Therefore, zero percent of the information is collected electronically under OMB Control No. 3060-0768.

4. The agency does not impose a similar information collection on the respondents. There is no similar data available.

5. This collection of information does not have a significant impact on small entities or businesses. The burden to respondents is minimal.

6. Affected applicants and licensees are required to provide the requested information to the Commission and other third parties whenever they seek authority to provide service in the 28 GHz band. The frequency of filing is, in general, determined by the applicant or licensees. If this information is compiled less frequently or not filed in conjunction with our rules, applicants and licensees will not obtain the authorization necessary to provide telecommunications services. Furthermore, 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 service effectively.

7. This collection of information is consistent with the guidelines in 5 C.F.R. Section 1320.5(d) (2).

8. A 60-day notice was published in the Federal Register (73 FR 59627) to solicit public comments on this information collection. The 60-day comment period began on October 9, 2008 and ended on December 8, 2008. No comments were received from the public in response to the notice.

9. The Commission will not provide any payment or gift to respondents.
10. There is no need for confidentiality of information contained in the filings.
11. This information collection does not contain questions of a sensitive nature.

12. The Commission estimates that there are 65 respondents to this information collection. The estimate of Burden Hours and Respondent Costs are summarized in the chart below.

Explanation of Burden Estimate	Number of Responses	Time Per Response	Total Annual Burden Hours
1. Pursuant to FCC 96-311 GSO/FSS licensees are required to notify the current licensed LMDS operator of its satellite launch date six months prior to that date	15	2 Hours	30
2. Pursuant to FCC 96-311 GSO/FSS licensees are required to provide updates on the satellite's status upon the request of the current operating LMDS system	15	2 Hours	30
3. 47 CFR 101.147 LMDS licensees are required to serve copies of their applications on all NGSO/MSS applicants	15	2 Hours	30
4. 47 CFR 101.147 NGSO/MSS feeder link earth stations must specify a set of geographic coordinates for the location of these earth stations, 15 days after the release of a public notice announcing the commencement of LMDS auctions	2	2 Hours	4
5. Pursuant to FCC 96-311 One NGSO/MSS licensee is required to provide its feeder link earth station locations to the GSO/FSS licensees	1	2 Hours	2
6. 47 CFR 25.258 Both NGSO/MSS feeder link earth station operators and GSO/FSS licensees are required to exchange the necessary technical parameters required for coordination	17	2 Hours	34
Totals:	65 Responses		130 Hours

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

- (a). There are no total capital and start up costs incurred by licensees.
- (b). The operational and maintenance costs incurred by licensees are summarized below.

The Commission estimates that the applicants/licensees will hire outside legal and/or engineering assistance at the rate of \$200 per hour for 50 percent of the responses (33).¹ The outside party will spend two hours per response.

33 responses x \$200 per hour x 2 hours per submission = 13,200 **total costs for outside legal/engineering assistance**

- 14. Estimates of Annualized Costs to the Federal Government: **0**.

Therefore, there are no annualized costs to the Federal government.

- 15. The Commission miscalculated the total annual cost burden in its previous submission to OMB. This miscalculation resulted in an adjustment of -\$12,800 to the annual cost burden with this submission.

- 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. In the 60-day notice (73 FR 59627), the Commission stated the following: 15 respondents; 60 responses; 1.5 hours per response; 90 annual burden hours and annual cost burden of \$24,000. We correct those numbers to read as follows: 65 respondents and responses; estimated time per response as 2 hours per response; total annual burden hours of 130 hours and annual cost burden of \$13,200. There are no program changes to this information collection.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.

¹ The respondent will forward the responses to the outside party for assistance once the respondent has completed his/her part with the response as accounted for under question #12.