

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission ("Commission") requests that the Office of Management and Budget (OMB) approve a non-substantial change 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.

In March 2009, the Federal Communications Commission ("Commission") reviewed the Paperwork Reduction Act requirements associated with FCC Form 312. The Commission found that it had grossly overestimated those burden hours and costs. Accordingly, this supporting statement is for a non-substantial change to correct those burden hours and cost estimates.

Summary of Information Collection Requirements

FCC Form 312 is used for a variety of satellite and earth station applications. The specific PRA information collection requirements associated with FCC Form 312 are discussed in detail in Attachment A to this Supporting Statement.

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).

None of the information collections associated with FCC Form 312 affects 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 25¹ of the Commission's rules. Without such information, the Commission could not determine whether to permit respondents to provide telecommunication services in the United States. 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.

¹ 47 C.F.R. Part 25.

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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.
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. This is a non-substantial change request, not a request for approval of a new information collection. Therefore, we are not required to publish any notice in the Federal Register.

In the past, the Commission published notices in the Federal Register and provided opportunities to interested parties to comment on the information collection requirements contained in this supporting statement (*see* 74 FR 3596 and 73 FR 67868). (Steve, the notice that you cited was the post approval notice which did not seek public comment. I listed the 60-day and 30-day FR notice cites.)
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 Attachment A to this Supporting Statement for the **990 respondents** and their time per response, total annual burden hours, and explanation of burden estimate.

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 in order to complete 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 990 respondents/responses X 2 hours per submission = **\$396,000 Annual Costs for Outside Legal/Engineering Assistance.**

Application Filing Fees: Part 25-related application fees for earth station applications range from \$60 to \$2410. The average of these two figures is \$1235. A total of 894 earth station respondents X \$1235 average fee = **\$1,104,090.**

Part 25-related application fees for space station applications range from \$7900 to \$380,835. The average of these two figures is \$194,367.50. A total of 96 space station respondents X \$194,367.50 average fee = **\$18,659,280.**

The total of Part 25-related earth station and space station filing fees is 1,104,090 + 18,659,280 = **\$19,763,370.**

c. **Total Annualized Cost:**

Total Costs to the Industry	Totals
Estimated Application Filing Fees	\$19,763,370
Estimated Cost of Outside Legal/Engineering Assistance	\$396,000
Total Cost to Respondents	\$20,159,370

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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.

Federal Government Staff	Number of Staff	Salary Per Hour	Annual Burden Hours	Annualized Costs
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
	10		7,000	\$824,490.00

15. This Supporting Statement reflects adjustments of -33,237 annual burden hours and -\$764,607,606 annual costs. These adjustments are attributed to updated data and corrections to calculations made in determining previous information collection annual burden hours and annual cost estimates. Again, the Commission grossly overestimated the annual burden hours and costs in its previous submission to OMB. The updated supporting statement reflects more accurate and true burden hours and costs associated with information collection 3060-0678.

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 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 March 9, 2009, the Commission published an OMB Post Approval Notice in the Federal Register (Cite: 74 FR 9962) that stated that the following: number of respondents and responses as 4,112; estimated time per response as 0.25 hours – 24 hours per response; annual burden hours as 42,579 and annual costs as \$784,766,976. This Supporting Statement reflects more accurate estimates as follows: number of respondents and responses are 990; estimated time per response is 5.5 – 22 hours; annual burden hours are 9,342 hours and the annual costs are \$20,159,370. There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

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No statistical methods are employed.

ATTACHMENT A

**DETERMINATION OF INFORMATION COLLECTION
REQUIREMENTS FOR COLLECTION 3060-0678**

In this attachment, the Commission recalculates the burden estimate for FCC Form 312. Our methodology is as follows. We base the number of responses on the actual numbers of applications received by the Commission's Satellite Division during Calendar Year 2008. We base the time per response on a Paperwork Reduction Act submission of July 2003, in which the Commission originally requested PRA authorization for adding Schedule S to FCC Form 312.

In Section I of this Attachment, we address space station applications first. We address earth station applications in Section II. In Section III, we provide totals for the burden estimates.

I. Space Station Applications

A. Space Station License Applications

**1. Fixed Satellite Service Applications
(Sections 25.110 and 25.114 and 25.140)**

The Satellite Division received 20 applications for new space station licenses in 2008. Of that number, we estimate that about 4 percent, or 1, was an application for a Direct Broadcast Satellite (DBS) licenses, and the remainder, 19, were for Fixed-Satellite Service (FSS) space stations. This estimate is based on the Commission's Paperwork Reduction Act submission in July 2003, in which the Commission estimated that 6 of 156 space station license applications, or 4 percent, were for DBS space stations.

In 2003, the Commission estimated that each FSS satellite application required 11 hours for the applicant to complete. Therefore, the total burden hours for these applications is 19×11 , or 209 hours.

**2. Direct Broadcast Satellite Service Applications
(Sections 25.110, 25.114 and 25.140, and 25.148)**

Above, we estimated that there was one DBS application in 2008. We further estimate that each DBS application would take a little longer than an FSS satellite application to complete, or 12 hours. Therefore, the total burden hours for these applications is 12 hours.

B. Space Station Amendments (Section 25.116)

The Satellite Division received 24 space station amendment applications in 2008. Some amendments are very minor and require almost no time to complete. Others are tantamount to submitting a new space station application. Therefore, we estimate that an amendment requires, on average, about half the time of a new FSS space station license application, or 5.5 hours. Therefore, the total burden hours for these applications is 24×5.5 , or 132 hours.

C. Space Station Modifications (Section 25.117)

The Satellite Division received 36 earth station amendment applications in 2008. Like amendments, some modification are very minor and require almost no time to complete, while others are tantamount to submitting a new space station application. Therefore, we estimate that a modification requires, on average, about half the time of a new earth station license application, or 5.5 hours. Therefore, the total burden hours for these applications is 36×5.5 , or 198 hours.

D. Earth Station Assignments and Transfers of Control (Section 25.119)

The Satellite Division received 3 space station assignment applications and 8 transfer of control applications in 2008. We estimate that assignments and transfer of control applications require, on average, about the same amount of time that a new FSS space station license application requires, or 11 hours. Therefore, the total burden hours for these applications is $(3 + 8) \times 11$, or 121 hours.

**E. Applications from Non-U.S.-licensed Satellites
to Enter the U.S. Market (Section 25.137)**

The Satellite Division received 5 applications from non-U.S.-licensed space station operators to be placed on the "Permitted List" in 2008, which is the procedural vehicle for getting access to the U.S. market. We estimate that Permitted List applications require, on average, about the same amount of time that a new FSS space station license application requires, or 11 hours. Therefore, the total burden hours for these applications is 5×11 , or 55 hours.

II. Earth Station Applications

A. Earth Station License Applications

**1. Temporary Fixed Earth Station Applications
(Sections 25.110 and 25.277)**

The Satellite Division received 237 applications for new earth station licenses in 2008. Of that number, we estimate that about 33 percent, or 79, were applications for temporary fixed earth station licenses.

In 2003, the Commission estimated that each earth station application required 11 hours for the applicant to complete. The Commission did not distinguish between temporary fixed earth station applications and other earth station applications submitted on Form 312. Now, we continue to believe temporary fixed earth station applications would take roughly the same amount of time as other earth station applications submitted on Form 312. Therefore, the total burden hours for these applications is 79×10 , or 790 hours.

**2. Routine Fixed Earth Station Applications
(Sections 25.110, 25.115 and 25.130)**

The Satellite Division received 237 new earth station license applications in 2008, of which 79 were temporary-fixed earth station applications. Thus, 158 new earth station license applications in 2008 were for regular fixed earth stations. In 2003, the Commission estimated that 90 percent of all fixed earth station applications were routine. Accordingly, we can estimate that the number of routine earth station applications in 2008 was 142.

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In 2003, the Commission estimated that each routine earth station application required 10 hours for the applicant to complete. Therefore, the total burden hours for these applications is 142×10 , or 1,420 hours.

**3. Non-Routine Fixed Earth Station Applications
(Sections 25.110, 25.115, 25.130, 25.132, 25.134(g)(4), 25.218, and 25.220)**

As noted above, the Satellite Division received 158 applications for new fixed earth station licenses in 2008. In 2003, the Commission estimated that 10 percent of all earth station applications were non-routine. Accordingly, we estimate that the number of routine earth station applications in 2008 was 16.

In 2003, the Commission estimated that each non-routine earth station application required 11 hours for the applicant to complete. Although this estimate was developed prior to the adoption of Sections 25.218 and 25.220, we do not believe that the adoption of these rules affected the burden estimates of non-routine earth station applicants.

In addition, we estimate that approximately 75 percent of all non-routine earth station applicants, 18, are required to submit antenna gain patterns under Section 25.132. We estimate that approximately 50 percent of all non-routine earth station applicants, or 12, are required to submit a contention protocol certification under Section 25.134(g)(4). These burden estimates are one hour per applicant and 15 minutes per applicant, respectively. Thus, the total burden estimate for non-routine earth station applicants is shown in the following table:

Non-Routine Earth Station Applications	Number of Applicants	Burden per Application	Total Burden
Form 312	16	11	176
Antenna Gain Patterns	12	1	12
Contention Protocol Certification	8	0.25	2
Total	16		190

B. Earth Station Amendments (Section 25.116)

The Satellite Division received 97 earth station amendment applications in 2008. Some amendments are very minor and require almost no time to complete. Others are tantamount to submitting a new earth station application. Therefore, we estimate that an amendment requires, on average, about half the time of a new earth station license application, or 5.5 hours. Therefore, the total burden hours for these applications is 97×5.5 , or 533.5 hours.

C. Earth Station Modifications (Sections 25.117 and 25.118)

The Satellite Division received 182 earth station amendment applications in 2008. Like amendments, some modification are very minor and require almost no time to complete, while others are tantamount to submitting a new earth station application. Therefore, we estimate that a modification requires, on average, about half the time of a new earth station license application, or 5.5 hours. Therefore, the total burden hours for these applications is 182×5.5 , or 1,001 hours.

D. Earth Station Assignments and Transfers of Control (Section 25.119)

The Satellite Division received 125 earth station assignment applications and 154 transfer of control applications in 2008. We estimate that assignments and transfer of control applications require, on average, about the same amount of time that a new non-routine fixed earth station license application requires, or 11 hours. Therefore, the total burden hours for these applications is $(125 + 154) * 11$, or 3,069 hours.

**E. Applications for Earth Stations to Communicate with
Non-U.S.-licensed Satellites (Section 25.137)**

1. New Earth Station License Applications

In 2008, the Satellite Division received 2 earth station applications from applicants seeking to communicate with a non-U.S.-licensed satellite. Such applications require all the information that would be required in a non-routine FSS earth station application, and all the information regarding the satellite that would be required if the satellite operator was applying for a U.S. license. The earth station portion of the application requires 11 hours, and the satellite portion of the application requires 11 hours, for a total of 22 hours. Therefore, the total burden hours for these applications is $2 * 22$, or 44 hours.

2. Earth Station Amendments

In 2008, the Satellite Division received 6 amendments to earth station applications from applicants seeking to communicate with a non-U.S.-licensed satellite. We estimate that these amendment applications require 11 hours on average, 5.5 hours on average for amending the earth station portion of the application, and 5.5 hours on average for amending the space station portion of the application. Therefore, the total burden hours for these applications is $6 * 11$, or 66 hours.

3. Earth Station Modifications

In 2008, the Satellite Division received 91 applications from earth station operators seeking to add authority to communicate with a non-U.S.-licensed satellite operator to its license. We estimate that these amendment applications require 16.5 hours on average, 5.5 hours on average for amending the earth station portion of the application, and 11 hours on average to provide the needed space station information to the application. Therefore, the total burden hours for these applications is $91 * 16.5$, or 1,501.5 hours.

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III. Totals

In this section, we compile the total burden hours estimated above.

Type of Application	Number of Applicants	Burden Hour Estimate, in hours
Space Stations		
New Licenses, FSS	19	209
New Licenses, DBS	1	12
Amendments	24	132
Modifications	36	198
Assignments and Transfers of Control	11	121
Permitted List	5	55
Total Space Station Applicants	96	
Total Space Station Burden Estimate		727
Earth Stations		
New Licenses, Temporary Fixed Earth Stations	79	790
New Licenses, Routine	142	1,420
New Licenses, Non-Routine	16	190
Amendments	97	533.5
Modifications	182	1,001
Assignments and Transfers of Control	279	3,069
Applications to Communicate with Non-U.S.-Licensed Satellite		
New Licenses	2	44
Amendments	6	66
Modifications	91	1,501.5
Total Earth Station Applicants	894	
Total Earth Station Burden Estimate		8,615
Total Applicants	990	
Total Burden Estimate		9,342

In-House Cost to Respondents: We estimate that in-house staff is paid at an estimated rate of \$40 per hour.

9,342 hours X \$40 per hour = **\$373,680 Total In-House
Costs to Respondents**