

## **SUPPORTING STATEMENT**

1. The Federal Communications Commission ("Commission") is requesting that the Office of Management and Budget (OMB) approve a three-year the revision to OMB Control No. 3060-0994 titled, "Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L Band, and the 1.6/2.4 GHz Band."

The purposes of this information collection are to obtain information necessary for licensing operators of Mobile-Satellite Service (MSS) networks to provide ancillary commercial telecommunications services in the U.S. via terrestrial base stations (Ancillary Terrestrial Components, or ATCs); obtain the legal and technical information required to facilitate the integration of ATCs into MSS networks in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands; and to ensure that ATC licensees meet the Commission's legal and technical requirements to develop and maintain their MSS networks and operate their ATC systems without causing harmful interference to other radio systems.

This information collection does not affect individuals and, therefore, is not subject to the Privacy Act of 1974, as amended.

The Commission has authority for the information collection pursuant to Sections 4(i), 7, 302, 303(c), 303(e), 303(f) and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. Sections 154(i), 157, 302, 303(c), 303(e), 303(f) and 303(r).

2. This information collection is used by the Commission to license commercial ATC radio communication services in the United States. Without the collection of information that would result from these final rules, the Commission would not have the necessary information to grant entities the authority to operate commercial ATC stations and provide telecommunications services to consumers.

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"). In 2005, the Commission received approval from OMB for mandatory electronic filing of all Part 25 (satellite, earth station, and ATC) applications under OMB Control No. 3060-0678. A total of 100 percent of documents required for licensing and application procedures are filed electronically in MyIBFS.

4. The information in this collection is not duplicated elsewhere and similar information is not available.

5. This collection will not have a significant economic impact small business.

6. Without the collections of information pursuant to these rules, the Commission would not

have the necessary information with which to grant MSS operators the authority to operate ATC systems. This would result in financial losses to these entities and prevent them from maximizing the value of their assigned spectrum. Additionally, American consumers would be adversely impacted by the unavailability of additional telecommunications services.

7. The collection of information will not be conducted in any manner known to be inconsistent with the guidelines stipulated in 5 C.F.R. 1320.6.

8. On October 16, 2009, the Commission published a 60-day notice in the Federal Register (Cite: 74 FR 53235) to solicit comments from the public. The comment period ended on December 15, 2009. No comments were received from the public.

9. The Commission will not provide any payment or gift to respondents for fulfilling their information collection requirements.

10. The Commission does not provide assurances of confidentiality to entities submitting their filings and applications. However, entities may request confidential treatment of their applications and filings under 47 C.F.R. 0.459 of the Commission's rules. With regard to certifications filed pursuant to Part 2 of the Commission's rules, parties receive minimal exemption from the Freedom of Information Act (FOIA).

11. The collection does not ask questions of a sensitive nature.

12. See **Attachment A** for the number of respondents and responses, frequency of response, annual burden hours, and an explanation of how the burden was estimated.

13. The Commission estimates that the licensees will also receive assistance for consulting services of engineering firms and law firms for their ATC license applications and equipment certification filings with the Commission.

It is estimated that law firms are paid at approximately \$300 per hour and engineering companies are paid at approximately \$250 per hour to file the information with the Commission.

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The estimated hours for the consulting services of engineering firms and law firms are as follows:

Cost of Outside Legal and Engineering Assistance

| Outside Engineering & Legal Assistance | Rate Per Hour | Hours Per Response | Responses | Total     |
|--|---------------|--------------------|-----------|-----------|
| Outside Engineering Assistance         | \$250         | 7                  | 141       | \$246,750 |
| Outside Legal Assistance               | \$300         | 7                  | 141       | \$246,750 |
| Totals:                                |               |                    |           | \$493,500 |

Cost of Application Fees

| Type Of Application      | Cost Per Application | MSS Licensees |          |
|--------------------------|----------------------|---------------|----------|
| Blanket Authorizations   | \$7,935              | 6             | \$47,610 |
| Equipment Certifications | \$575                | 6             | \$3,450  |
| Totals:                  |                      |               | \$51,060 |

Total Costs

|  | Total Costs |
|--|-------------|
| Outside Legal and Engineering Assistance | \$493,500   |
| Application Fees                         | \$51,060    |
| Totals:                                  | \$544,560   |

14. The total annualized costs to the Federal government for the review of the information collection requirements is \$148,038.72. The breakdown of costs is as follows:

| Staff                             | Hourly Rate | Number of Staff | Burden Hours              | Number of Submissions Reviewed | Total Cost   |
|-----------------------------------|-------------|-----------------|---------------------------|--------------------------------|--------------|
| GS-15/Step 5 Electronics Engineer | \$65.62     | 2               | 4<br>Hours Per Submission | 141                            | \$74,019.36  |
| GS-15/Step 5 Attorney Advisor     | \$65.62     | 2               | 4<br>Hours Per Submission | 141                            | \$74,019.36  |
| Totals:                           |             |                 |                           |                                | \$148,038.72 |

15. This Supporting Statement reflects program changes with regard to the number of respondents, number of responses and annual burden hours because some of the Mobile Satellite Service (MSS) providers have already fulfilled some of the information collection requirements. The Supporting Statement reflects an increase in annual costs because the hourly rate for outside legal and engineering assistance increased from \$200 per hour to \$250 per hour for engineering consultants and \$300 per hour for legal consultants. The changes are summarized in the chart below:

|                               | Number of Respondents | Number of Responses | Annual Burden Hours | Annual Costs |
|-------------------------------|-----------------------|---------------------|---------------------|--------------|
| Previous Supporting Statement | 161                   | 161                 | 1,326               | \$158,000    |
| Current Supporting Statement  | 141                   | 141                 | 685                 | \$544,560    |
| Program Changes:              | -13                   | -13                 | -420                | 0            |
| Adjustments:                  | -7                    | -7                  | -221                | +\$386,560   |

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 of OMB approval of the collection.

18. The Commission published a 60-day Federal Register notice (“Notice”) on October 16, 2009 (*see* 74 FR 53235) seeking public comment on the information collection requirements contained in this supporting statement. In the Notice the Commission stated the following items in error: the number of respondents and responses as 161 each, estimated time per response as 1 – 40 hours, the annual burden as 1,326 hours and the annual cost burden as \$158,000. With this submission the Commission corrects those figures as follows: the number of respondents and responses is 141 each, estimated time per response is 0.50 – 50 hours, the annual burden is 685 hours and the annual cost burden is \$544,560. This collection is being submitted to OMB as a revision instead of an extension. Also, on occasion reporting requirement is not included in this collection as stated in the notice. There are no other exceptions to the certification statement.

Part B. Collections of Information Employing Statistical Methods.

Not applicable. This information collection does not employ statistical methods.

Attachment A – Response to Item # 12

The information collection requirements described below were approved by the OMB in January 2004. The Commission would like to retain approval for the collections in the three-year extension of OMB Control No. 3060-0994. All information collection requirements fall under 47 CFR 25.149 of the Commission’s rules unless noted otherwise.

| <b>Explanation of Burden Estimate (47 CFR 25.149)</b>  | <b>Number of Respondents</b>  | <b>Frequency of Response/ Number of Responses</b>                   | <b>Time Per Response</b> | <b>Total Annual Burden Hours</b> |
|--|---|---|--------------------------|----------------------------------|
| MSS operator that is granted ATC authority must notify the Commission within 30 days once it begins providing ATC service by filing a letter in the appropriate MSS license docket that certifies that the ATC operation is consistent with its ATC license authority.           | now only 2<br>2GHz MSS Licensees +<br>2 Big LEO licensees +<br>2 L-Band MSS licensees<br>= <b>6 TOTAL</b> | 1 Response/ Respondent for a Total of 6 Responses (One-time filing) | 1 hour/ response         | 6 hours                          |
| Letter notifying the Commission of the initiation of MSS system satellite construction and the MSS operator’s intent to construct and test ATC facilities. The letter shall specify the frequencies on which the MSS licensee proposes to engage in pre-operational testing etc. | 2<br>2GHz MSS Licensees +<br>2 Big LEO licensees +<br>2 L-Band MSS licensees<br>= <b>6 TOTAL</b>          | 1 Response/ Respondent for a Total of 6 Responses (One-time filing) | 1 hour/ response         | 6 hours                          |

| Explanation of Burden Estimate  | Number of Respondents   | Frequency of Response/ Number of Responses                          | Time Per Response   | Total Annual Burden Hours |
|---|---|---|---------------------|---------------------------|
| To ensure that MSS-ATC licensees have the capability to continue MSS operations under technical difficulties, they are required to maintain a spare satellite as a replacement if an operational satellite is destroyed or becomes defective. This requirement must be met as a condition of authorizing ATC. | 2<br>2GHz MSS Licensees +<br>2 Big LEO licensees +<br>2 L-Band MSS licensees<br>= <b>6 TOTAL</b>    | 1 Response/ Respondent for a Total of 6 Responses (One-time filing) | 2 hours/ response   | 12 hours                  |
| Applicants must demonstrate that they use a dual-mode handset to provide the proposed ATC service (OPTIONAL: Applicants may provide other technical, economic or other substantive showing IN LIEU of the dual mode handset showing; NOT COUNTED)   | 2<br>2GHz MSS Licensees +<br>2 Big LEO licensees +<br>2 L-Band MSS licensees<br>= <b>6 TOTAL</b>    | 1 Response/ Respondent for a Total of 6 Responses (One-time filing) | 0.5 hours/ response | 3 hours                   |
| Licensees must certify compliance with technical rules to protect adjacent channel systems & frequency allocations  | 2<br>2GHz MSS Licensees +<br>2 Big LEO licensees +<br>2 L-Band MSS licensees<br>=<br><b>6 TOTAL</b> | 1 Response/ Respondent for a Total of 6 Responses (One-time filing) | 1 hour/ response    | 6 hours                   |

| <b>Explanation of Burden Estimate</b>   | <b>Number of Respondents</b> | <b>Frequency of Response/Number of Responses</b>                    | <b>Time Per Response</b> | <b>Total Annual Burden Hours</b> |
|---|------------------------------|---|--------------------------|----------------------------------|
| Licensee must certify compliance with Section 25.253(c)(2) that limits EIRP of ATC base stations  | 2 L-band MSS licensees       | 1 Response/ Respondent for a Total of 2 Responses (One-time filing) | 1 hour/ response         | 2 hours                          |
| Certify compliance with ATC base station emissions near harbors and waterways in compliance with Sec. 25.253(c)(5)  | 2 L-Band MSS licensee        | 1 Response/ Respondent for a Total of 2 Responses (One-time filing) | 1 hour/ response         | 2 hours                          |
| Recordkeeping requirement - L-Band licensee must maintain a record of total number of base stations throughout U.S. operating on any given 200 kHz of spectrum  | 2 L-Band Licensees           | 1 Response/ Respondent for a Total of 2 Responses (Annual response) | 5 hours/ response        | 10 hours                         |
| L-band ATC operators must report to the Commission annually on the peak traffic on the ATC system and to limit the peak traffic to no more than 90,000 ATC MTs. | 2 L-Band Licensees           | 1 Response/ Respondent for a Total of 2 Responses (Annual response) | 1 hour/ response         | 2 hours                          |
| Big LEO applicants must demonstrate that base stations are tunable across the entire 2483.5 - 2500 MHz MSS allocation in compliance with Sec. 25.254(a)(4)      | 2 Big LEO licensees          | 1 Response/ Respondent for a Total of 2 Responses (One-time filing) | 3 hours/ response        | 6 hours                          |



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| <b>Explanation of Burden Estimate</b>   | <b>Number of Respondents</b>   | <b>Frequency of Response/ Number of Responses</b>                   | <b>Time Per Response</b> | <b>Total Annual Burden Hours</b> |
|---|--|---|--------------------------|----------------------------------|
| All MSS licensees must apply to modify their licenses using FCC Form 312 in order to request blanket authority to construct and operate ATC base stations. Applicants must provide the following information and certifications: (1) terrestrial facilities will comply with technical restrictions; (2) terrestrial facilities will comply with rules on environmental impact; (3) terrestrial facilities will comply with Part 17 on antenna structure clearance with FAA; and (4) terrestrial facilities will operate consistent with international agreements | 2<br>2GHz MSS Licensees +<br>2 Big LEO licensees +<br>2 L-Band MSS licensees<br><b>= 6 TOTAL</b> | 1 Response/ Respondent for a Total of 6 Responses (One-time filing) | 26 hours/ response       | 156 hours                        |
| Filing of separate application for any ATC base station requiring prior FAA notification or Environmental Assessment  | 4 applicants estimated   | 1 Response/ Respondent for a Total of 4 Responses (One-time filing) | 1 hour/ response         | 4 hours                          |

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| <b>Explanation of Burden Estimate</b>   | <b>Number of Respondents</b>   | <b>Frequency of Response/ Number of Responses</b>                            | <b>Time Per Response</b> | <b>Total Annual Burden Hours</b> |
|---|--|--|--------------------------|----------------------------------|
| MSS operators that will operate ATC networks must obtain equipment certification pursuant to Part 2, Subpart J of the Commission's rules for all end user equipment (in addition to blanket authorization); Note: Section 25.115(d) revised for clarification | 2<br>2GHz MSS Licensees +<br>2 Big LEO licensees +<br>2 L-Band MSS licensees<br>= <b>6 TOTAL</b> | 1 Response/ Respondent for a Total of 6 Responses (One-time filing)          | 50 hours/ response       | 300 hours                        |
| 85 interference analyses conducted between MSS licensees and 85 fixed stations  | 85<br>Fixed Stations   | 1 Response/ Respondent for a Total of 85 Responses (Third-party disclosures) | 2 hours/ response        | 170 hours                        |
| <b>TOTALS:</b>  | 141<br>Respondents   | 141<br>Responses   | 0.50 - 50<br>Hours       | 685<br>Annual<br>Burden Hours    |

One-Time Filing Information Collection Requirements

That Have Been Completed and Were Removed From Chart

| Explanation of Burden Estimate   | Number of Respondents  | Frequency of Response   | Time Per Response | Total Annual Burden Hours |
|--|--|---|-------------------|---------------------------|
| MSS entity granted a Letter of Intent (LOI) to provide MSS in the U.S. via foreign-licensed satellite(s) can file a blanket license application for operation of ATC stations in the U.S. in conjunction with its MSS operations in the U.S. | 1<br>2 GHz LOI Holder  | 1 Response/ Respondent for a Total of 1 Response (One-time filing)  | 20 hours          | 20 hours                  |
| Blanket authorization for mobile ATC transceivers; applicant must provide detailed technical information about the devices   | 4<br>2GHz MSS Licensees +<br>2 Big LEO licensees +<br>2 L-Band MSS licensees<br>= <b>8 TOTAL</b> | 1 Response/ Respondent for a Total of 8 Responses (One-time filing) | 30 hours          | 240 hours                 |
| Milestone requirements: (1) satellite manufacturing contract; (2) critical design review (CDR); (3) begin physical construction; (4) launch and commence operation <sup>1</sup>  | 4<br>2 GHz MSS Licensees/LOI Holders<br>= <b>4 TOTAL</b>   | 1 Response/ Respondent for a Total of 4 Responses (One-time filing) | 40 hours          | 160 hours                 |
| Total of Items That are Being Removed from This Collection:  | 13 Respondents   | 13 Responses  |                   | 420 Burden Hours          |

<sup>1</sup> This requirement applies to all satellite licenses and is covered under OMB Control No. 3060-1007.