

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission (“Commission”) is requesting a three-year extension of the information collection under OMB Control No. 3060-1097 titled, “Service Rules and Policies for the Broadcasting-Satellite Service.”

Background

The Commission’s request to establish a new collection results from the adoption and release of the Notice of Proposed Rulemaking (NPRM), “In the Matter of the Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band,” IB Docket No. 06-123, FCC 06-90. The Commission adopted the NPRM on June 21, 2006 and released it on June 23, 2006.

The NPRM proposes processing and service rules for the 17/24 GHz Broadcasting Satellite Service (“17/24 GHz BSS”). The 17/24 GHz BSS will introduce a new generation of broadband¹ services to the public, providing a mix of local and domestic video, audio, data, video-on-demand and multimedia services to residential and business subscribers in the United States. The Commission envisions the 17/24 GHz BSS service as a Geostationary Satellite Orbit (GSO) service. A GSO is a geosynchronous satellite with a circular and direct orbit that lies in the plane of the Earth’s equator and, thus, remains fixed relative to the Earth.

The Commission received applications to provide 17/24 GHz BSS services from the following four companies: (1) DIRECTV, (2) Pegasus, (3) EchoStar and (4) Intelsat. Although they are less than ten entities, the companies represent the universe of potential providers of BSS services and, therefore, are subject to comply with the proposed Paperwork Reduction Act (PRA) information collection requirements, if they are adopted by the Commission.

¹ Broadband technologies encompass all evolving high-speed digital technologies that provide consumers integrated access to voice, high-speed data, video-on-demand, and interactive delivery services. Broadband technologies are a fundamental component of the communications revolution. Fully-evolved broadband will virtually eliminate geographic distance as an obstacle to acquiring information and dramatically reduce the time it takes to access information.

Information Collection Requirements

The above referenced NPRM proposes the following new PRA information collection requirements:

1. Section 25.141 – General service rules for BSS, including the annual reporting requirement on the status of space station construction and anticipated launch dates;
2. Section 25.164 - Milestone schedules;
3. Section 25.165 - Performance bond which is posted within 30 days of the license grant.

Summary

In summary, the proposed information collection requirements are necessary to obtain only the most essential information required to determine the qualifications of applications to provide 17/24 GHz BSS service to domestic and/or international consumers.

The Commission has authority for this information collection under 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).

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 broadcasting satellite service 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, legal and financial 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. 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. Applicant will file a total of 100 percent of documents with the Commission electronically in the MyIBFS licensing system, such as the FCC Form 312 and applicable schedules. The OMB approved mandatory electronic filing of all Part 25-related applications under OMB Control No. 3060-0678. Additionally, the FCC Form 312 is

OMB Control No. 3060-1097
Service Rules and Policies for the
Broadcasting Satellite Service
January 2010

approved under OMB Control No. 3060-0678. (Note: MyIBFS was previously called the International Bureau Filing System [IBFS]).

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 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. This information collection does not have a substantial impact on any small 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 telecommunications services; the Commission would not be able to carryout its mandate as required by statute; and applicants and licensees would not be able to provide services to the public effectively.
7. The NPRM 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. The Commission published a 60-day notice in the Federal Register (cite: 74 FR 53239) to solicit comments from the public. The comment period began on October 16, 2009 and ended on December 15, 2009. No comments were received from the public.
9. The 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.

**OMB Control No. 3060-1097
Service Rules and Policies for the
Broadcasting Satellite Service
January 2010**

12. Estimate of Burden Hours/Respondent Cost:

Please see the charts below for the frequency of response, time per response, total annual burden hours, and explanation of burden estimate for the 4 respondents to this information collection.

Explanation of Burden Estimate	Number of Respondents	Frequency of Response	Number of Responses	Time Per Response	Total Annual Burden Hours
Section 25.141 – General service rules for BSS, including the annual reporting requirement on the status of space station construction and anticipated launch dates	4	1 response/ respondent (Annually)	4 Responses	10 Hours	40 Hours
Section 25.164 – Milestone Requirements	4	4 responses total per year/ respondent (1 response/ respondent four times per year)	16 Responses	10 Hours	160 Hours
Section 25.165 – Bond Requirement	4	1 response/ respondent (On occasion)	4 Responses	10 Hours	40 Hours
Totals:	4		24		240 Hours Total

In-House Cost: The respondent’s hourly salary is estimated at \$60/hours. Therefore, the in-house cost to the respondent is as follows: 240 total burden hours x \$60/hour = **\$14,400**

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

(a) 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 \$300 per hour (for legal services) per response and \$250 per hour (engineering services) per response. This figure is based on a small survey of local firms in the D.C. area and is considered to be a conservative estimate.

OMB Control No. 3060-1097
Service Rules and Policies for the
Broadcasting Satellite Service
January 2010

24 responses X \$300 per hour (legal fees)/response X 2 hours = \$14,400

24 responses X \$250 per hour (engineering fees)/response X 2 hours = \$12,000

\$14,400 (legal fees) + \$12,000 (engineering fees) = \$26,400 Total for Outside
 Legal/Engineering Assistance

Application Filing Fees:

Broadcasting Satellite Service licensees² will be treated the same as Geostationary
 Satellite Orbit (GSO) licensees. Therefore, the application fees are consistent with the
 application fees for GSO licensees.

4 Applications/Responses X \$111,925 application fee X 1 Filing = \$447,700.00 Total
 Application Filing Fees

Bond Fees

The bond fee is estimated at \$3 million per applicant.

\$3,000,000.00 Bond X 4 Applicants X 1 Time Fee = \$12,000,000.00

Summary of Costs

Type of Cost	Costs
Bond Fees	\$12,000,000.00
Application Fees	\$447,700.00
Outside Legal/Engineering Assistance	\$26,400.00
Totals:	\$12,474,100.00

² Respondents covered under Section 25.141 are the only respondents subject to application fees.

14. Estimates of Annualized Cost to the Federal Government:

The annual cost to the Federal Government for processing BSS applications is approximately \$2,476. A chart with a description of costs is provided below.

Type of Costs	Estimated Costs
Personnel Costs (i.e., salaries & benefits)	One GS-12 step 5 Analyst @ \$40.66 per hour X 8 hours = \$325.28 Two GS-15 step 5 Attorneys @ \$67.21 per hour X 16 hours = \$2,150.72 \$325.28 + \$2,150.72 = \$2,476

15. This Supporting Statement reflects adjustments. There are no program changes to this information collection.

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

17. The Commission is not seeking approval to not display the expiration date for OMB approval of the information collection.

18. The Commission published a Federal Register Notice on October 16, 2009 (*see* 74 FR 53239) and in the notice the following items were stated incorrectly: number of responses was published as 4 and the annual cost burden was published as \$12,452,000. With this submission, the Commission corrects these items. The number of responses is 24 and the annual cost burden is \$12,474,100. There are no other exceptions to the certification statement.

Part B. Collections of Information Employing Statistical Methods

No statistical methods are employed.