

SUPPORTING STATEMENT

A. Justification

1. The Federal Communications Commission ("Commission") is requesting that the Office of Management and Budget (OMB) approve an extension for three years of OMB Control No. 3060-0955 (delegated authority collection) titled, "2 GHz Mobile Satellite Service Reports."

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. The information will be used by the Commission staff in carrying out its duties under the Communications Act of 1934, as amended, and to insure the public interest, safety and convenience are served. Without such information, the Commission could not determine whether to permit the respondent to provide telecommunication services in the U.S. and therefore fulfill its statutory and responsibilities in accordance with the Communications Act of 1934, as amended.

3. The MSS 2 GHz licensees are required to file narrative informational letters with the Commission's Office of the Secretary that describes how they have undertaken measures to mitigate orbital debris and have met milestone requirements. The narrative information is not conducive to electronic filing at this time.

Pursuant to 47 CFR 25.115, service vendors may file blanket applications for transceivers units using FCC Form 312 specifying the number of units to be covered by the blanket license. The service vendors' filing of the FCC Form 312 with the Commission in the International Bureau Filing System ("MyIBFS") encompasses 5 percent of information that is collected electronically. The remaining 95 percent of data is not collected electronically.

In order to reduce the burden on applicants and licensees, the Commission considered various methods of collecting the information requested. We adopted new information collections that will require entities to submit the minimum amount of information necessary for evaluating the viability of the satellite system. As technology advances, we will explore automation methods to accommodate the electronic filing of detailed narrative information with the Commission.

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

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an

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effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements to those that are that absolutely necessary for evaluating and processing the submission and deterring possible abuses of the processes. Therefore, this collection does not have a significant economic impact on a substantial number of small entities.

6. In general, the frequency of filing will be determined by the respondent. Respondents are required to amend their applications to provide the information concerning mitigation measures for orbital debris. The milestone reports will be required at specific intervals as set forth in final authorizations. Respondents choosing to receive expansion spectrum as part of the unserved areas initiative must include in their annual reports the actual number of subscriber minutes originating or terminating in unserved areas as a percentage of the actual U.S. system use. If this information is compiled less frequently or not filed in conjunction with our rules, applicants will not obtain the authorization necessary to provide telecommunications services. Furthermore, licensees will not retain the authorization necessary to provide telecommunications services and the Commission will not be able to carry-out its mandate as required by statute. In addition, the public will not be able to receive service in an effective and efficient manner.

7. The information will be collected in a manner consistent with the general information collection guidelines in 5 C.F.R. § 1320.

8. The Commission published a 60-day notice in the Federal Register (Cite: 74 FR 53235) to solicit comments from the public with regard to the revision of this information collection. 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.

10. There is no need for confidentiality.

11. This collection does not address any private matters of a sensitive nature.

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12. Estimate of Burden Hours/Respondent Cost:

Please see the chart below for the number of responses, frequency of response, time per response, total annual burden hours, and explanation of burden estimate for the 9 respondents to this information collection.

Explanation of Burden Estimate (47 CFR)	Number of Responses	Frequency of Response	Time Per Response	Total Annual Burden Hours
47 CFR 25.114 If applicable, the feeder link and inter-satellite service frequencies requested for the satellite, together with any demonstration or documents otherwise required by 25.114 for use of those frequencies shall be filed.	9	1 (On Occasion)	1 Hour	9
47 CFR 25.115 Service vendors may file blanket applications for transceivers units using FCC Form 312 specifying the number of units to be covered by the blanket license.	9	1 (On Occasion)	1 Hour	9
47 CFR 25.133 Each license for a transmitting earth station included in this part shall also specify as a condition therein that upon the completion of construction, each licensee must file with the Commission a certification containing the following information: The name of the licensee; file number of the application; call sign of the antenna; date of the license; a certification that the facility as authorized has been completed and that each antenna facility has been tested and is within 2 dB of the pattern specified in Sec. 25.209, Sec. 25.135 (NVNG MSS earth stations), or Sec. 25.213 (1.6/2.4 GHz Mobile-Satellite Service and 2 GHz Mobile-Satellite Service earth stations); the date on which the station became operational; and a statement that the station will remain operational during the license period unless the license is submitted for cancellation. For stations	9	1 (On Occasion)	1 Hour	9

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authorized under Sec. 25.115(c) of this part (Large Networks of Small Antennas operating in the 12/14 GHz bands) and Sec. 25.115(d) of this part (User Transceivers in the Mobile-Satellite Service), a certificate must be filed when the network is put into operation.				
47 CFR 25.137 Earth station applicants requesting authority to operate with a non-U.S. licensed space station must demonstrate that the space station the applicant seeks to access has complied with all applicable Commission milestones, reporting requirements, and any other applicable service rules required for non-U.S. licensed systems to operate in the United States.	9	1 (On Occasion)	1 Hour	9
47 CFR 25.137 Each application for a space station system authorization in the 1.6/2.4 GHz Mobile-Satellite Service or 2 GHz Mobile-Satellite Service shall describe in detail the proposed satellite system, setting forth all pertinent technical and operational aspects of the system, and the technical, legal, and financial qualifications of the applicant. In particular, each application shall include the information specified in Sec. 25.114. Non-U.S. licensed systems shall comply with the provisions of Sec. 25.137. System proponents seeking authorization in the 2 GHz Mobile-Satellite Service also shall describe the design and operational strategies that they will use, if any, to mitigate orbital debris. Applicants must submit a casualty risk assessment if planned post-mission disposal involves atmospheric re-entry of the spacecraft.	9	1 (On Occasion)	3 Hour	27
47 CFR 25.143 That operations will not cause unacceptable interference to other authorized users of the spectrum.	9	1 (On Occasion)	1 Hour	9

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In particular, each application in the 1.6/2.4 GHz frequency bands shall demonstrate that the space station(s) comply with the requirements specified in Sec. 25.213.				
47 CFR 25.143(I) <i>Reporting requirements.</i> (1) All operators of 1.6/2.4 GHz Mobile-Satellite Service systems and 2 GHz Mobile-Satellite Service systems shall, on October 15 of each year, file with the International Bureau and the Commission's Columbia Operations Center, Columbia, Maryland, a report containing the following information current as of September 30 of that year: (iii) A detailed description of the utilization made of the in-orbit satellite system. That description should identify the percentage of time that the system is actually used for U.S. domestic or transborder transmission, the amount of capacity (if any) sold but not in service within U.S. territorial geographic areas, and the amount of unused system capacity. 2 GHz Mobile Satellite systems receiving expansion spectrum as part of the unserved areas spectrum incentive must provide a report on the actual number of subscriber minutes originating or terminating in unserved areas as a percentage of the actual U.S. system use.	9	1 (Annually)	8 Hours	72
47 CFR 25.143 All operators of 2 GHz Mobile-Satellite Service systems must begin system construction upon award of a service link license to U.S.-based applicants, or upon designation of spectrum for non-U.S.-based systems, in accordance with milestones set forth in the respective system's authorization. All operators of 2 GHz Mobile-Satellite Service systems shall, within 10 days after a required implementation milestone as specified in the system authorization,	9	1 (On Occasion)	3 Hour	27

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certify to the Commission by affidavit that the milestone has been met or notify the Commission by letter that it has not been met. At its discretion, the Commission may require the submission of additional information (supported by affidavit of a person or persons with knowledge thereof) to demonstrate that the milestone has been met. Failure to file timely certification of milestones, or filing disclosure of non-compliance, will result in automatic cancellation of the authorization with no further action required on the Commission's part.				
47 CFR 25.203 Prior to the filing of an application, an earth station applicant shall coordinate the proposed frequency usage with existing terrestrial users and with applicants for terrestrial station authorizations with previously filed applications. See Section 25.203 for the specific technical items that must be disclosed to the terrestrial station licensee, permittee and prior filed applicant.	9	1 (Third Party Disclosure)	2 Hour	18
Totals:	81 Responses		1-8 Hours Per Response	189 Annual Burden Hours

“In-house cost”: The respondent’s hourly wage is estimated to be \$60.00/hour. Therefore, the in-house cost for this information collection is as follows: 189 hours x \$60.00/hour = **\$11,340**.

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

The majority of satellite applicants also use professional law firms to assist them with their applications and other reports. The cost to applicants for these services is estimated at \$300 per hour. This figure is based on a small survey of local firms in the D.C. area and is considered a conservative estimate. We estimate the average number of hours that the outside contractor will spend on each application and report is 1.5 hours per application/report.

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Based on the average hours the total cost burden for preparing submissions is:

$$\$300/\text{hour} \times 1.5 \text{ hours/application/report} \times 81 \text{ responses} = \$36,450 \text{ Total}$$

14. Estimates of Annualized Cost to the Federal Government:

The annual cost to the Federal Government for processing BSS applications is approximately \$10,753.60. A chart with a description of costs is provided below.

Type of Costs	Estimated Costs
Personnel Costs (i.e., salaries & benefits)	Two GS-15 Attorneys @ \$67.21 per hour X 80 hours total for all BSS applications = \$10,753.60

15. This Supporting Statement has adjustments of +162 hours to the annual burden hours. With this submission, the Commission covered the reporting requirements and rule sections related to “2 GHz Mobile Satellite Services” extensively under this information collection. Additionally, this Supporting Statement includes adjustments of +\$18,450 to the annual cost burden to account for an increase in the hourly rate for outside legal assistance from \$200 per hour to \$300 per hour. There are no program changes to this information collection.

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

17. We are not seeking a waiver of the requirement to display the expiration date of OMB approval.

18. 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 on the revision of this information collection. The 60-day notice stated the following for this information collection: a total of 27 annual burden hours, \$18,000 in annual costs, the estimated time per response as 3 hours and the number of annual responses as 9. With this submission to the OMB these items are being corrected. The total annual burden hours are 189 hours, the annual cost burden is \$36,450, the estimated time per response is 1 – 8 hours and the number of annual responses is 81. Also, the submission is a “delegated extension” instead of a “revision.” Lastly, recordkeeping requirement is not a part of this collection. There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.