

SUPPORTING STATEMENT

A. JUSTIFICATION

1. The Federal Communications Commission ("Commission") is requesting that the Office of Management and Budget (OMB) approve a three-year extension of OMB Control No. 3060-1067 titled, "Qualification Questions (FCC Form 312-EZ)."

The "Qualification Questions" (FCC Form 312-EZ) is used by applicants for C-band¹ and Ku-band² earth stations (non-common carrier applicants) who are eligible for the "auto-grant" procedure. Under the "autogrant process," the International Bureau automatically grants "routine" earth station applications proposing to use the C-band or Ku-band. To be considered "routine," earth stations must meet a number of requirements, including primarily the following: (1) the earth station antenna must meet certain minimum diameter requirements; (2) the proposed earth station must meet the antenna performance standard and power limitations contained in Part 25 of the Commission's rules; (3) the earth station must be coordinated as required by Part 25; (4) the applicant seeks to communicate only with satellites authorized to provide service in the United States; and (5) the proposed station is otherwise consistent with the Commission's legal requirements.

The FCC Form 312-EZ is filed one time and subsequent renewals are requested by filing the FCC Form 312-R with the Commission.

The specific rule applicable to this collection is 47 CFR Section 25.115.

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 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

¹ The C-band encompasses the 3700-4200 MHz and 5925-6425 MHz frequency bands.

² The Ku-band includes the 14.0-14.5 GHz and 11.7-12.2 GHz frequency bands.

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a license, and to determine whether the authorization is in the public interest, convenience and necessity. All "routine" earth station applications filed under Part 25 are included in this collection. By "routine," we mean consistent with all the technical requirements in Part 25 applicable to earth stations. As technology advances and new spectrum are allocated for satellite use, applicants for earth station licenses will continue to submit the information required in Part 25 of the Commission's rules. 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. In an effort to minimize the paperwork burden on the public, the Commission developed the International Bureau Filing System (IBFS), an Internet based computer system. In 2005, the Commission implemented mandatory electronic filing of all satellite and earth station applications in IBFS. A total of 100 percent of FCC Form 312-EZs are filed electronically in IBFS.
4. The agency does not impose similar information collection requirements on the respondents.
5. The Commission is making an effort to minimize the burden on all respondents, regardless of size, in conformance with the PRA. The Commission limited the information collection requirements to those that are absolutely necessary for evaluating and processing applications 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 carry-out its mandate as required by statute; and applicants and licensees would not be able to provide services to the public effectively.
7. This information collection does not propose any new or amended information collection requirements that are not consistent with the general information collection guidelines in 5 C.F.R. § 1320.
8. On October 16, 2009, the Commission published a 60-day notice (74 FR 53239) in the Federal Register to solicit comments from the public on this information collection. The comment period ended on December 15, 2009. No comments were received from the public.
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.

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 64 respondents to this information collection.

EARTH STATIONS

Explanation of Burden Estimate	Number of Responses	Frequency of Response	Time Per Response	Total Annual Burden Hours
47 CFR Section 25.115 Mandatory electronic filing of Form 312EZ for routine conventional C-band & Ku-band earth station applications eligible for "auto-grant" procedure; limited to non-common carrier applications	64	1 One-time filing	10 Hours	640 Hours

In-House Cost: The respondent's hourly salary is estimated at \$60/hours. Therefore, the in-house cost to the respondent is as follows: 640 total burden hours x \$60/hour = **\$38,400**

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

Costs 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 attorneys and \$250 per hour for engineers. This figure is based on a small survey of local firms in the D.C. area and is considered to be a conservative estimate.

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Outside Legal/ Engineering Assistance	Hourly Rate	Responses	Hours/ Response	Total Costs
Legal	\$300	64	2 Hours	\$38,400
Engineering	\$250	64	2 Hours	\$32,000
Totals:				\$70,400

Application Filing Fees

Type of Filing on FCC 312-EZ	Fee	Applicants	Total
Receive only earth station licenses	\$385	32	\$12,320
New transmit/receive earth stations	\$2,530	32	\$80,960
Totals:			\$93,280

Total Costs to the Industry	Totals
Cost of Outside Legal/Engineering Assistance	\$70,400
Filing Fee Estimates	\$93,280
Total Cost to Respondents	\$163,680

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14. Estimates of Annualized Cost to the Federal Government:

The annual cost to the Federal Government to process the FCC Form 312-EZ is approximately **\$44,820.48**. A chart with a description of costs is provided below.

Federal Government Staff	Number of Staff	Salary Per Hour	Annual Burden Hours	Annualized Costs
GS-15/Step 5 Attorney	2	\$67.21	256 ³	\$34,411.52
GS-12/Step 5 Analysts	2	\$40.66	128 ⁴	\$10,408.96
	4		384	\$44,820.48

15. This Supporting Statement reflects adjustments in the number of respondents and responses of -3,808. These adjustments are due to a decrease in the number of filings of the FCC Form 312-EZ by respondents with the Commission during the past year. As a result of these changes, the annual burden hours also had an adjustment of -38,080. Furthermore, this Supporting Statement reflects an adjustment in annual costs of -\$9,710,320 due to increases in the hourly rates for outside engineering assistance from \$200 per hour to \$250 per hour and for outside legal assistance from \$200 per hour to \$300 per hour. Additionally, changes in application filing fees and reductions in the number of FCC Form 312-EZ's filed annually impacted annual costs.

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

17. We are seeking a waiver of the requirement to display the expiration date of OMB approval on the FCC Form 312-EZ and wish to instead display a version date. If this form remains 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 date and then reprint and redistribute the forms with the new expiration date. This would be an undue burden on Commission resources and may lead to confusion among licensees.

18. On October 16, 2009, the Commission published a 60-day notice (74 FR 53239) in the Federal Register. We stated in the notice the following items incorrectly: the annual number of respondents and responses as: 3,872 each, annual burden hours as 38,720 and the annual costs as \$9,874,000. With this submission we are correcting these figures. Therefore, the annual number of respondents and responses for this collection are 64 respondents and 64 responses, the annual burden hours are 640 hours and the annual costs

³ It is estimated that the Federal Government's processing time for attorneys processing FCC Form 312-EZ will be 4 hours per application. Therefore, the total processing time for attorney staff is as follows: 64 applications X 4 hours per application = 256 hours.

⁴ It is estimated that the Federal Government's processing time for analysts processing FCC Form 312-EZ will be 2 hours per application. Therefore, the total processing time for analyst staff is as follows: 64 applications X 2 hours per application = 128 hours.

are \$163,680. Lastly, the only reporting requirement for this information collection is a one-time reporting requirement. There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are employed.