

SUPPORTING STATEMENT

A. Justification:

The Federal Communications Commission (“Commission”) requests that the Office of Management and Budget (OMB) approve the establishment of a new information collection titled, “Satellite Digital Audio Radio Service (SDARS).” The information collection requirements accounted for in this collection are necessary to determine the technical and legal qualifications of SDARS 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.

Rulemaking

On May 20, 2010, the Commission adopted and released a Second Report and Order titled, “In the Matter of Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band,” IB Docket No. 95-91, GEN Docket No. 90-357, RM-8610, 25 FCC Rcd 11710 (2010). In this Second Report and Order, the Commission adopted a framework for the regulation of SDARS terrestrial repeaters. First, the Commission adopted technical rules governing the operation of SDARS repeaters that will not unduly constrain the deployment of SDARS repeaters, but that will, at the same time, limit the potential for harmful interference to adjacent spectrum users in the Wireless Communications Service (WCS). Second, the Commission adopted a blanket-licensing regime to facilitate the flexible deployment of SDARS repeaters, which are necessary to ensure a high quality service to the public, while ensuring that such repeater operations comply with the Commission’s rules regarding RF safety, antenna marking and lighting, and equipment authorization, as well as with international agreements. The Commission adopted a site-by-site licensing regime for repeater operations that did not qualify for blanket licensing. Finally, the Commission addressed other issues regarding SDARS repeater operations that are not associated with the interference concerns raised by WCS licensees. Specifically, the Commission adopted rules to ensure that SDARS repeaters remain truly complementary to a satellite-based service, and that SDARS terrestrial repeaters are not used to transmit local programming or advertising.

Summary of Information Collection Requirements

The PRA information collection requirements contained in the Second Report and Order are as follows:

47 CFR 25.144(e)(3) - SDARS licensee shall, before deploying any new, or modifying any existing, terrestrial repeater, notify potentially affected WCS licensees pursuant to the procedure set forth in 25.263.

47 CFR 25.144(e)(8) - SDARS licensees must file an earth station application using Form 312 to obtain blanket authority for terrestrial repeaters operating at 12 kW EIRP (average) or less and in compliance with FCC rules; application must include certain parameters of operation and a certification that the proposed SDARS terrestrial repeater operations will comply with all the rules adopted for such operations.

47 CFR 25.144(e)(9) - The operation of non-compliant repeaters and/or repeaters operating above 12 kW EIRP (average) must be applied for and authorized under individual site-by-site licenses using Form 312 and appropriate waiver of the Commission's rules.

47 CFR 25.263(b)¹ - SDARS licensees are required to provide informational notifications as specified in 25.263, including requirement that SDARS licensees must share with WCS licensees certain technical information at least 10 business days before operating a new repeater, and at least 5 business days before operating a modified repeater.

47 CFR 25.263(c); Recordkeeping/Third party disclosure - SDARS licensees operating terrestrial repeaters must maintain an accurate and up-to-date inventory of terrestrial repeaters operating above 2 W EIRP, including the information set forth in 25.263(c)(2) for each repeater, which shall be made available to the Commission upon request. Requirement can be satisfied by maintaining inventory on a secure website that can be accessed by authorized Commission staff.

Not codified (para. 278 of Order) - SDARS licensees must provide potentially affected WCS licensees with an inventory of their terrestrial repeater infrastructure.

The statutory authority for this information collection is contained in Sections 4, 301, 302, 303, 307, 309 and 332 of the Communications Act, as amended, and 47 U.S.C. Sections 154, 301, 302a, 303, 307, 309, and 332.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The information collection requirements accounted for in this collection are necessary to determine the technical and legal qualifications of SDARS 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 SDARS 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.

3. Applicants are required to complete and file an earth station application with the Commission electronically using the "Application for Satellite Space and Earth Station Authorizations" (FCC Form 312) contained in 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. This information collection does not have a substantial impact on any small entities.

¹ See 47 CFR 25.263(c) for the content of the notice.

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 information collection requirements that are not consistent with the general information collection guidelines in 5 CFR § 1320.
8. On January 21, 2011, the Commission published a 60-day notice in the Federal Register (Cite: 76 FR 3892) to solicit comments from the public. The comment period ended on March 22, 2011. Sirius XM filed comments with the Commission on March 22, 2011 stating that it does not object to the information collection requirements referenced in the 60-day notice.
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 Costs:

Please see the charts below for the number of responses, frequency of response, total annual burden hours, and explanation of burden estimate for the **one** respondent² to this collection.

Explanation of Burden Estimate	Number of Responses Per Respondent	Frequency of Response	Total Annual Number of Responses	Time Per Response	Total Annual Burden Hours
47 CFR 25.144(e)(3) SDARS licensee shall, before deploying any new, or modifying any existing, terrestrial repeater, notify potentially affected WCS licensees pursuant to the procedure set forth in 25.263	See 25.263(b) below	See 25.263(b) below	See 25.263(b) below	See 25.263(b) below	See 25.263(b) below for the burden hours for this requirement
47 CFR 25.144(e)(8) SDARS must file an earth station application using Form 312 to obtain blanket authority for terrestrial repeaters operating at 12 kW EIRP (average) or less and in compliance with FCC rules; application must include certain parameters of operation and a certification that the proposed SDARS terrestrial repeater operations will comply with all the rules adopted for such operations	1	4 per year	4	10 hours	40
47 CFR 25.144(e)(9) The operation of non-compliant repeaters and/or repeaters operating above 12 kW EIRP (average) must be applied for and authorized under individual site-by-site licenses using Form 312 and appropriate waiver of the Commission's rules	1	10 per year	10	12 hours	120

² There is only one respondent to this information collection. OMB review and approval are needed because the respondent makes up its universe of respondents.

<p>47 CFR 25.263(b) SDARS licensees are required to provide informational notifications as specified in 25.263, incl. requirement that SDARS licensees must share with WCS licensees certain technical information at least 10 business days before operating a new repeater, and at least 5 business days before operating a modified repeater</p>	1	48 per year	48	4 hours	192
<p>47 CFR 25.263(c) Third party disclosure SDARS licensees operating terrestrial repeaters must maintain an accurate and up-to-date inventory of terrestrial repeaters operating above 2 W EIRP, including the information set forth in 25.263(c)(2) for each repeater, which shall be made available to the Commission upon request. Requirement can be satisfied by maintaining inventory on a secure website that can be accessed by authorized Commission staff.</p>	1	4 requests from Commission per year (inventory maintenance assumed to be routine part of operating repeater network)	4	4 hours	16
<p>Not codified (para. 278 of Order) SDARS licensees must provide potentially affected WCS licensees with an inventory of their terrestrial repeater infrastructure.</p>	1	8 requests per year	8	4 hours	32
TOTALS:			74 responses	4 – 12 hours per response	400 hours

“In house Costs” – In house staff who will be working on the information collection requirements contained in the chart above is estimated to have hourly salary of \$60 per hour. Therefore, the in house costs to respondents are 400 hours X \$60 per hour = **\$24,000**.

13(a). Total Capital and Start-Up Costs: Zero

13(b). Total Operation and Maintenance Costs: \$175,020

The total operation and maintenance costs are calculated as follows:

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 \$275³ 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.

\$275 per hour X 1 respondent X 2 hours per submission X 74 submissions per year = \$40,700 Annual Costs for Outside Legal/Engineering Assistance.

Application Filing Fees: The fees associated with SDARS terrestrial repeater filings shall be those associated with filings for FSS Very Small Aperture Terminal (VSAT) systems in Section 1.1107 of the Commission’s rules. See SDARS Second Report and Order, 25 FCC Rcd at 11813, para. 272. Part 25-related application fees for initial FSS VSAT systems are \$9,330.00 per station. There are no filing fees for the Wireless Communications Services (WCS) notification requirements or for provision of repeater inventory to FCC staff.

A total of 1 respondent X \$9,330 filing fee X 14 filings per year = **\$130,620**

Total Annualized Costs:

Total Costs to the Industry	Totals
Estimated Application Filing Fees	\$130,620
Estimated Costs of Outside Legal/Engineering Assistance	\$40,700
Total Costs to Respondents	\$171,320

³ The estimated hourly wage for an outside attorney is \$300/hour and for the outside engineer is \$275/hour. An attorney or engineer may assist the respondents with completing their applications therefore the estimated average hourly wage is \$275/hour for outside assistance.

14. Estimate of Annualized Costs to the Federal Government:

The estimate of annualized costs to the Federal government is summarized in the chart below. As shown in the chart, the annualized costs to the Federal government are \$34,815.20. 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	\$67.21	140	\$9,409.40
GS-14/Step 5 Attorney	1	\$57.13	140	\$7,998.20
GS-15/Step 5 Engineers	1	\$67.21	140	\$9,409.40
GS-14/Step 5 Engineers	1	\$57.13	140	\$7,998.20
	4		760	\$34,815.20

15. This is a new collection. Therefore, this supporting statement reflects program changes/increases of 1 respondent, 74 responses, 400 annual burden hours and \$171,320 in annual costs because of the information collection requirements that are contained in this collection and in FCC 10-82. These burdens will be added to OMB's inventory once the collection is approved.

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 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 January 21, 2011, the Commission published a 60-day notice in the Federal Register (Cite: 76 FR 3892) to solicit comments from the public. In the notice, the estimated annual costs were published as \$175,000. With this submission the Commission corrects that figure to read \$171,320. There are no other exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.