

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission (“Commission”) is requesting a three-year extension from the Office of Management and Budget (OMB) for the information collection titled, “Redesignation of the 18 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the Ka-Band, and the Allocation of Additional Spectrum for Broadcast Satellite Service Use” under OMB Control No. 3060-0962.

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

The Commission has authority for this collection of information pursuant to Sections 1, 4(i), 301, 303, 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. Sections §§ 151, 154(i), 301, 303, 308, 309, and 310.

2. This information collection facilitates the Commission's efforts to use spectrum more efficiently and to better accommodate the operational needs of licensees. In addition, the collection of this information is necessary for the Commission to determine whether licensees are complying with the rules applicable to satellite earth stations and to deploy new satellite systems.

3. A total of 100% of the responses for this collection are collected electronically in the International Bureau Filing System (“MyIBFS”).

4. The Commission does not impose similar information collections on the respondents. There are no similar data available.

5. Small businesses do not have the financial ability to become Non-Geostationary Satellite Orbit (NGSO) Fixed Satellite Service (FSS) system operators because of the high implementation costs, including construction of satellite space stations and rocket launch, associated with satellite systems and services. Since the spectrum and orbital resources available for assignment are not open to new entrants, we estimate that only the five applicants are authorized by the Commission to provide these services. The applicant is not a small business because it has revenues in excess of \$12.5 million annually or has parent companies or investors that have revenues in excess of \$12.5 million annually. The Commission has, therefore, certified that the rules do not have a significant economic impact on a substantial number of small entities.

6. If the collection were not conducted, the Commission would not be able to verify whether NGSO/FSS satellite earth stations in the Ka-band were operating in accordance with Commission rules. Additionally, spectrum would not be used most efficiently and would, therefore, result in hindering the provision of new or enhanced telecommunications services to the public.

7. The collection of information will not be conducted in any manner inconsistent with the guidelines 5 CFR 1320.
8. On November 23, 2010, the Commission published a 60-day notice (Cite: 75 FR 71434) in the Federal Register seeking comments from the public on the information collection requirements contained in this supporting statement. The comment period ended on January 24, 2011. No comments were received from the public.
9. The Commission will not provide any payment or gift to respondents.
10. There is no need for confidentiality of information contained in the applications filed with the Commission.
11. This collection of information does not contain questions of a sensitive nature.
12. NGSO FSS licensees must submit milestone certifications to ensure adherence to milestone schedules that were established in their authorizations. They are required to file annual reports on the status of their space station construction and launch.

There are a total of **26 respondents** to this information collection, 1 NGSO FSS licensee and 25 Fixed Satellite Service licensees.

We estimate that the additional average burden on an operator to hire such outside assistance and to review conforming amendments to their space station applications will be four (4) hours. We estimate the additional average burden on an applicant to hire outside assistance and to review a milestone certification will be one (1) hour. The annual notifications will take respondents one (1) hour to complete. The extension of time request will take the respondent four (4) hours to complete. Finally, we estimate the additional average burden on an applicant to hire outside assistance and to review annual reports will be one (1) hour.

In-house burden to respondents: As discussed above, based on our experience, almost all satellite operators rely on outside legal and engineering assistance to prepare information collection requirements for the Commission. Labor hours performed by outside assistance are not considered paperwork burden hours and are instead accounted for in item #13 as costs to respondents. Labor hours performed by in-house staff to hire outside legal and engineering assistance and to review their work product are considered paperwork burden hours and the burden for these hours is as follows:

Explanation of Burden Estimate	Frequency of Response	Number of Responses	Time Per Response	Total Annual Burden Hours
Rule section 25.116 Conforming amendments to space station applications	On occasion	1	4	4
Rule section 25.145(f)(1)(iv) Milestone Certifications	On occasion	1	1	1
Rule section 25.145(f)(1) Annual Reports	Annual	1	1	1
Rule section 101.85(a) Annual written notifications for Fixed Satellite Service licensees to relocate FS licenses to other microwave bands	Annual	25	1	25
Rule section 25.117(c) Request for extension of time	On occasion	1	4	4
Totals:		29 responses	1-4 Hours	35 hours

We estimate that the hourly rate for respondents’ in-house staff to undergo the information collection requirements contained in this collection is \$40 per hour. Accordingly, 35 hours x \$40 per hour = \$1,400.

13(a). Total capital and start-up costs (annualized over its expected useful life) = \$Zero. We do not believe that the collection requirements contained in this supporting statement will impose significant additional capital and start up costs on respondents. The collection of information regarding each applicant’s orbital debris mitigation plan will not require the purchasing of additional computers, software, or other equipment because this information can be prepared using computers and software already used in satellite system design and in preparing existing applications for space station authorization.

13(b). Total operation and maintenance and purchase of services component = \$60,000.

In our experience, almost all satellite operators rely on outside legal and engineering assistance to prepare information collection requirements for the Commission. We estimate the hourly rate for outside legal and engineering assistance is \$275 per hour. We estimate that the additional average burden on outside assistance to prepare conforming amendments to space station applications will be 30 hours. We estimate the additional average burden on outside assistance to prepare a milestone certification will be 1 hour. Finally, we estimate the additional average burden on outside assistance to prepare annual reports will be two (2) hours. These numbers are conservative estimates and may be less if notice can be provided via an Internet posting.

Accordingly, the additional annual cost burden to respondents resulting from the collection of information discussed in the Ka-Band NGSO FSS NPRM is as follows:

1 conforming amendments to space station applications x 30 hours per amendment = 30 hours
 1 milestone certification x 1 milestone each x 2 hour per certification = 2 hours per year
 1 annual report x 2 hours per report = 2 hours per year
 Total number of outside burden hours = 34 hours per year

We estimate that the hourly rate for outside legal and engineering assistance is \$275 per hour. This figure is based on a small survey of local firms in the D.C. area and is considered a conservative estimate. Accordingly, 34 hours x \$275 per hour = \$9,350.

In addition, licensees are required, by act of Congress, to pay application fees to file their conforming amendments. The application fee for an amendment to a space station application is \$4,600 per amendment. Therefore, the application fees are as follows: 30 amendments x \$4,600 per amendment = \$138,000.

Accordingly, the total operation and maintenance and purchase of services component is:

$$\$9,350 + \$138,000 = \mathbf{\$147,350}$$

–

14. Annual costs for work activities performed by Commission staff are expected to be minimal. Costs include the time of Commission staff, including attorneys and engineers, to review information collected from respondents and to consider possible comments on these plans from other potentially interested parties. No additional overhead or support staff will be required that would not have been already incurred without this collection of information. Minimal additional printing and publication expenses will be required to provide public notice of the collected information, where appropriate.

We estimate our costs as follows:

Milestone certifications = 1

Number of average hours per submission = 2
Annual reports = 1
Number of average hours per submission = 1

Conforming amendments to space station applications = 1
Number of average hours per submission = 1

Total number of hours = 4
Hourly rate = \$40
Total cost = 4 hours x \$40 per hour = \$160

The core Commission staff consists of 1 Attorney Advisor (GS-11 to GS-14) and 1 Engineer (GS 11 – GS 14) at an average rate of \$40 per hour. The time of review is an estimate of the average number of hours of review, and may be substantially greater or less depending on the particular collection.

Total costs to the Federal government = \$160.

15. This Supporting Statement reflects adjustments/increases in annual costs of **\$87,350** (from \$60,000 to \$147,350) as a result of an increase in the hourly rate for outside legal assistance from \$200 to \$275 per hour. Also, there are adjustments to the number of respondents of **21** (from 5 to 26); to the annual responses of **561** (from 590 to 29) and to the annual burden hours of **555** (from 590 to 35). These adjustments are due to fewer respondents to this information collection.

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 for OMB approval of the information collection.

18. On November 23, 2010, the Commission published a 60-day notice (Cite: 75 FR 71434) in the Federal Register seeking comments from the public on the information collection requirements contained in this supporting statement. In the notice, the Commission published the following numbers: the number of respondents as 5; the number of annual responses as 590; the annual burden hours as 590 and the annual costs as \$60,000. With this submission we correct these figures to read as follows: the number of respondents is 26; the number of annual responses is 29; the annual burden hours are 35 and the annual cost burden is \$147,350. Lastly, this collection does not contain recordkeeping and third party disclosure requirements as stated in the 60-day notice. These requirements are not a part of this collection. There are no other exceptions to the certification statement.

Part B. Collections of Information Employing Statistical Methods:

This collection does not employ statistical methods.