

## SUPPORTING STATEMENT

### A. Justification:

1. The Federal Communications Commission (“Commission”) is requesting that the Office of Management and Budget (OMB) approve the establishment of a new information collection titled “Air-Ground Mobile Broadband Service.” On May 9, 2013, the Commission released a Notice of Proposed Rulemaking (NPRM) titled, “*In the Matter of Expanding Access to Broadband and Encouraging Innovation through Establishment of an Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0-14.5 GHz Band,*” GN Docket No. 13-114, FCC 13-66.

This NPRM proposes an allocation in the 14.0-14.5 GHz band to permit operation of an air-ground mobile broadband service in the contiguous United States. The Commission proposes a secondary allocation for air-ground mobile broadband, and requires new air-ground mobile broadband licensees to avoid harmful interference to the Fixed-Satellite Service and prior-licensed Federal Fixed Service, Mobile Service, and Space Research Service users in the 14.0-14.5 GHz band, and to coordinate with the Radio Astronomy Service to avoid interference to radio astronomy observations. The Commission also proposes to license air-ground mobile broadband on a nationwide basis, and seeks comment on whether it should license air-ground mobile broadband in two spectrum blocks of 250 megahertz each, one spectrum block of 500 megahertz, or some other spectrum block size. The Commission proposes to grant licenses by auction in the case of mutually exclusive applications.

The proposed rule changes include applying the information requirements and procedures currently in Part 1 of the Commission’s rules to applications for air-ground mobile broadband licenses. The Notice also proposes to require new air-ground mobile broadband licensees to complete coordination agreements with licensees in the National Aeronautics and Space Administration’s Tracking and Data Relay Satellite Service and with radio astronomy observatories. Further, the Notice invites comment on whether to adopt interim reporting requirements to ensure that licensees are making timely and quantifiable progress on their obligations to construct and provide service. If the Commission adopted a rule requiring interim reporting requirements, the rule would presumably require the licensee to demonstrate in some manner that it has taken efforts to construct its air-ground mobile broadband system. In addition, the Notice proposes requiring licensees to file a notification within 15 days of the end of their ten-year license term demonstrating that they have met their build-out requirements. Specifically, each construction notification would include electronic coverage maps and supporting documentation, which must be truthful and accurate and must not omit material information that is necessary for the Commission to determine compliance with its construction requirement. Also, the Notice proposes requiring applicants for renewal licenses to file a detailed renewal showing, demonstrating that they are providing service to the public or are using the spectrum for private, internal communication to the extent

permitted by the Commission, and substantially complying with the Communications Act, and the Commission's rules and policies, including any applicable performance requirements.

This information will be collected when applicants file the FCC Form 312 and Schedule B in the International Bureau Filing System (IBFS). The form remains unchanged.

The information is collected by the Commission to enable Commission to staff to evaluate air-ground mobile broadband service licenses. Technical information is also collected to assist in identifying and resolving harmful interference.

The Commission has authority for this information collection pursuant to Sections 4(i), 4(j), 7(a), 302(a), 303(c), 303(e), 303(f), 303(g), 303(j), 303(r) and 303(y) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 154(j), 157(a), 302(a), 303(c), 303(e), 303(f), 303(g), 303(j), 303(r), 303(y).

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

2. The purpose of this information collection is to implement the licensing and rules for air-ground mobile broadband service in the 14.0-14.5 GHz band, to protect Fixed-Satellite Service (FSS) operations in the band and to accommodate other users of the band, including federal government licensees in the Fixed and Mobile Services, the Space Research Service, and the Radio Astronomy Service. The information will also be used to ensure licensees are making timely and quantifiable progress on their obligations to construct and provide service, meet their build-out requirements, and show that they are providing service to the public or using the spectrum for private, internal communications to the extent allowed by the Commission's rules and policies, including applicable performance requirements.

3. Applicants must file the **FCC Form 312 and Schedule B** in the International Bureau Filing System (IBFS). It is estimated that 100 percent of all applications are filed in the IBFS electronically. The Commission received approval for mandatory electronic filing of all satellite and earth station applications under OMB Control No. 3060-0678. Additionally, the FCC Form 312 and Schedule B are approved by the OMB under OMB Control No. 3060-0678.

4. This information collection requirement is not duplicated elsewhere.

5. The Commission does not expect the information collection requirements to affect small entities. The Regulatory Flexibility Act (RFA) requires that, to the extent consistent with the objectives of applicable statutes, the analysis shall discuss significant alternatives such as: (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting

requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. The Notice of Proposed Rulemaking solicits comment on alternatives to the proposed rules for air-ground mobile broadband in the 14.0-14.5 GHz band.

6. The consequence to the Commission if the information collection requirements were not collected is that there would continue to be regulatory uncertainty with respect to air-ground mobile broadband service in the contiguous United States. The Commission would not be able to advance its goals of promoting more intensive use of spectrum and spectrum sharing in order to provide passengers aboard aircraft flying over the United States with expanded access to broadband service. Furthermore, without such information the Commission would not be able to take the necessary measures to prevent harmful interference to the Fixed-Satellite Service and prior-licensed Federal Fixed Service, Mobile Service, and Space Research Service users in the 14.0-14.5 GHz band, and to coordinate with the Radio Astronomy Service to avoid interference to radio astronomy observations.

7. The collection of information is not being conducted in any manner known to be inconsistent with the guidelines in 5 CFR 1320. There are no special circumstances associated with this collection.

8. The Commission published a notice in the Federal Register pursuant to 5 CFR Section 1320.8(d) on July 10, 2013 seeking comments from the public on the information collection requirements contained in this collection. See 78 FR 41343. The Commission received no comments to date from the public.

9. The Commission does not provide any payment or gift to respondents.

10. The Commission does not provide assurances of confidentiality to entities submitting their filings and applications. However, entities may request confidential treatment of their applications and filings under 47 C.F.R. 0.459 of the Commission's rules. With regard to certifications filed pursuant to 47 C.F.R. 2.907 of the Commission's rules, parties receive minimal exemption from the Freedom of Information Act (FOIA).

11. This collection does not contain questions of a sensitive nature.

12. The Commission estimates the burden hours for the 15 respondents as follows:

We estimate we will receive 15 responses from the respondents per year at an estimated 6 hours per response.

**Total annual number of respondents: 15 applications**

**Total annual number of responses: 15 applicants**

**Total annual burden hours:**

15 responses x 6 hours per response/respondent = **90 hours**

**In-house cost:** The Commission estimates that the hourly rate for in-house staff to fulfill the information collection requirements is \$60 per hour. Therefore,

15 responses x 6 hours per response/respondent x \$60/hour = **\$5,400**

**13. Total Annual Costs:** Section 309(j) of the Act requires that the Commission assign initial licenses through the use of competitive bidding when mutually exclusive applications for such licenses are accepted for filing. The 15 applicants obtain the services of legal and/or engineering consultants at the estimated rate of \$275<sup>1</sup> per hour. We estimate that legal/engineering consultants will send 2 hours per response. Therefore, the total costs are as follows:

15 responses X 2 hours/response X \$275 per hour = **\$8,250**

**14.** The estimated annual cost to the Federal government to process 15 applications is **\$19,800**. The breakdown of costs is as follows:

Two (2) GS-15/Step 5 Attorneys

\$67.21 X 2 attorneys X 4 hours per application = \$537.68 X 15 applications = \$8,065.20

Two (2) GS-14/Step 5 Engineers

\$57.13 X 2 engineers X 4 hours per application = \$457.04 X 15 applications = \$6,855.60

Two (2) GS-12/Step 5 Industry Analysts

\$40.66 X 2 analysts X 4 hours per application = \$325.28 X 15 applications = \$4,879.20

\$8,065.20 cost for attorneys + \$6,855.60 cost for engineers + \$4,879.20 costs for analysts = **\$19,800** estimated annual costs to the Federal government to process 15 applications.

**15.** This a new information collection. If the Commission adopts the proposed requirements in a final rulemaking, 15 respondents, 15 responses, 90 burden hours and \$8,250 in annual costs will be added to OMB's inventory.

**16.** The results of this information collection requirement will not be published for statistical use.

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

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<sup>1</sup> This figure was arrived based on the following calculation: \$250 per hour (engineering) + \$300 per hour (legal) = 550 per hour/2 = \$275 per hour.

18. There are no exceptions to the certification statement.

**B. Collections of Information Employing Statistical Methods:**

Not applicable. This information collection does not employ statistical methods.

