

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission ("Commission") requests that the Office of Management and Budget (OMB) approve a revision of the information collection titled, "Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations" under OMB Control No. 3060-0678 as a result of a recent rulemaking discussed below.

Report and Order (FCC 12-116)

On September 28, 2012, the Federal Communications Commission ("Commission") released a Report and Order (R&O) titled, "In the Matter of 2006 Biennial Regulatory Review – Revision of Part 25." In this R&O, the Commission amended various provisions of Part 25 of its rules pertaining to licensing and operation of satellite space stations and earth stations. With two exceptions, the amendments are non-substantive; that is, they neither impose new requirements nor eliminate or alter existing requirements. For example, among other things, the revisions added definitions for several technical terms that appear in Part 25 but are not defined there, and it deleted definitions of terms that are not used in Part 25. The Commission also eliminated redundant text from several rule sections, revised the wording of other provisions that were ambiguous or unduly confusing, updated cross-references to Commission rules or recommendations of the International Telecommunication Union (ITU), and corrected grammatical, spelling, and typographical errors.

The two substantive amendments adopted in the R&O do not increase paperwork burdens. The first substantive amendment revised 47 CFR § 25.110(c) to eliminate requirements to identify a radio service and station location in correspondence relating to applications and licenses. The impact of this revision on the total time required for submitting such correspondence is negligible. The second substantive amendment revised 47 CFR § 25.137(b) to codify an established practice of allowing applicants to cross-reference, rather than re-submit, previously filed information regarding non-U.S.-licensed satellites. The impact of this revision on the total time required for submitting applications is also negligible.

The number of respondents, number of responses, annual burden hours and annual costs have not been amended from the previous submission to the Office of Management and Budget (OMB) on September 2, 2010. Therefore, there are no program changes or adjustments.

The statutory authority for this information collection is contained in Sections 4, 301, 302, 303, 307, 309, 332 and 705 of the Communications Act of 1934, as amended; 47 U.S.C. Sections 154, 301, 302, 303, 307, 309, 332 and 705 unless otherwise noted.

None of the information collections affects individuals or households; thus there are no impacts under the Privacy Act.

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2. This collection is used by the Commission staff in carrying out its duties concerning satellite communications as required by Sections 4, 301, 302, 303, 307, 309, 332 and 705 of the Communications Act, 47 U.S.C. Sections 301, 302, 303, 307, 309, 332 and 705. 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 a license, and to determine whether the authorization is in the public interest, convenience and necessity.

As technology advances and new spectrum is allocated for satellite use, applicants for satellite service will continue to submit the information required in 47 CFR 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 United States. 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. Applicants are required to complete and file the "Application for Satellite Space and Earth Station Authorizations" (FCC Form 312) with the Commission electronically via the International Bureau Filing System ("MyIBFS"). Applicants requesting authority for operation of space stations must complete Schedule S of that form. Those requesting authority for operation of earth stations must complete Schedule B. 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.

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 or amended information collection requirements that are not consistent with the general information collection guidelines in 5 CFR § 1320.

8. On October 31, 2012, the Commission published a 60-day notice in the Federal Register (77 FR 65879). The comment period ended on December 31, 2012. No comments were received from the public in response to the notice.

9. Respondents will not receive any payments or gifts.

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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 for the 1,248 respondents to this information collection is as follows:

Explanation of Burden Estimate	Number of Responses	Time Per Response	Total Annual Burden Hours
47 CFR 25.113(c)			
Third-party disclosure - Applicants for satellite earth stations must apply for determination of "no hazard" through the Federal Aviation Administration (FAA) and notify the FAA of the planned construction of new or altered height of antenna structures	3	1 hour On occasion/ Third Party Disclosure	3 hours
47 CFR 25.113(f)			
Applicants planning the construction of U.S. licensed space stations must notify the Commission that they plan to begin construction at their own risk	3	1 hour On occasion	3 hours
47 CFR 25.113(h)			
The licensee will file FCC Form 312 with the Commission within 30 days of bringing the in-orbit spare into operation and certify that operation of this space station did not cause the licensee to exceed the total number of operating space stations authorized by the Commission and that the licensee will operate the space station within the applicable terms and conditions of the license	3	1 hour On occasion	3 hours
47 CFR 25.110¹, 25.114 and 25.140			
Fixed Satellite Service Applications	19	11 hours On occasion	209 hours

¹ The recordkeeping requirement for Section 25.110 is included for each requirement under Section 25.110 as outlined throughout the chart.

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47 CFR 25.110, 25.114, 25.140 and 25.148			
	1		
Direct Broadcast Satellite Service Applications		12 hours On Occasion	12 hours
47 CFR 25.110 and 25.277			
Temporary Fixed Earth Station Applications	79	10 hours On occasion	790 hours
47 CFR 25.110, 25.115 and 25.130			
Routine Fixed Earth Station Applications	142	10 hours On occasion	1,420 hours
47 CFR 25.110, 25.115, 25.130, 25.218 and 25.220			
Non-Routine Fixed Earth Applications	8	0.25 hours On Occasion	2 hours
47 CFR 25.132			
Non-Routine Fixed Earth Station Applications	16	11 hours On occasion	176 hours
47 CFR 25.134(g)(4)			
Non-Routine Fixed Earth Station Applications	12	1 hour On occasion	12 hours
47 CFR 25.114			
Applicants must submit a comprehensive proposal for each proposed space station on FCC Form 312 and Schedule S along with attached exhibits, technical information and any information that is required to be filed in narrative form	4	1 hour On occasion	4 hours

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47 CFR 25.115			
Commission authorization must be obtained for authority to operate various earth station authorizations – applications must be filed on FCC Form 312 and Schedule B and include specified information ²	4	1 hour On occasion	4 hours
47 CFR 25.115			
Notification of the complete technical parameter of each earth station site is brought into operation under the lead authorization is required to the Commission by the licensee	4	1 hour On occasion	4 hours
47 CFR 25.115			
CSAT licensee shall annually provide the Commission an updated list of all operational earth stations in its system	4	1 hour Annual	4 hours
47 CFR 25.115			
Certification that certain conditions are satisfied as specified under Section 25.115(c) (2)(iv) is required	4	1 hour On occasion	4 hours
47 CFR 25.115			
The copy of the Schedule B notification form must be posted at each station operation pursuant to this section	4	0.25 hours On occasion	1 hour
47 CFR 25.116			
Amendments can be filed to pending space station applications until designation for hearing on Form 312 and Schedule B	24	5.5 hours On occasion	132 hours
47 CFR 25.116			
Earth Station Amendments	97	5.5 hours On occasion	534 hours
47 CFR 25.117			
Applications for modification of space station authorizations must be filed on FCC Form 312 and Schedule B	36	5.5 hours On occasion	198 hours
47 CFR 25.117			
Applications for modification of earth station authorizations must be filed on FCC Form 312 and Schedule B	91	5.5 hours On occasion	501 hours
47 CFR 25.118(a)			

² See 47 CFR 25.115(a)(2) for the exception.

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Earth station licensees must file the FCC Form 312 with the Commission within 30 days of a modification of the license to inform the Commission of this change	91	5.5 hours On occasion	501 hours
47 CFR 25.118(a)(4)			
Licensees changing its operations from private carrier to common carrier must notify the Commission within 30 days of the change by filing the FCC Form 312 with the Commission	4	2 hours On occasion	8 hours
47 CFR 25.118(e)(3) - (9)			
Space station licensees must certify that it will comply with all of the conditions of its original license and all applicable rules after relocation and file other certifications with the Commission as stated in the rule sections	4	2 hours On occasion	8 hours
47 CFR 25.119			
Earth Station Assignment and Transfer of Control Applications	11	11 hours On occasion	121 hours
47 CFR 25.119			
Earth Station Assignments and Transfer of Control	279	11 hours On occasion	3,069 hours
47 CFR 25.130			
Application for a new or modified transmitting earth station facility must be submitted on FCC Form 312 and Schedule B, accompanied by any required exhibits and required narrative information	4	1 hour On occasion	4 hours
47 CFR 25.131(a)			
Applicants for a license for a receive-only earth station must file the FCC Form 312 and any required exhibits with the Commission	7	2 hours On occasion	14 hours
47 CFR 25.131(d)			
Applicants for registration must be filed on the FCC Form 312 along with any required exhibits	7	2 hours On occasion	14 hours
47 CFR 25.131(h)			
Applications for renewals of registrations must be filed on	7	2 hours On occasion	14 hours

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the Application for Renewal of Radio Station License in Specified Services (FCC Form 312-R)			
47 CFR 25.131(j)(1)			
Receive-only earth stations operating with non-U.S. licensed space stations must file an FCC Form 312 requesting a license or modification to operate such station	7	2 hours On occasion	14 hours
47 CFR 25.137			
Applications from Non-US Licensed Satellites to Enter the US Market	5	11 hours On occasion	55 hours
47 CFR 25.137			
New Earth Station License Applications	2	22 hours On occasion	44 hours
47 CFR 25.137			
Earth Station Amendments	6	11 hours On occasion	66 hours
47 CFR 25.137			
Earth Station Modifications	91	16.5 hours On occasion	1,502 hours
47 CFR 25.154(a)(2)			
Petitions to deny, petitions for other forms of relief and other objections or comments must be filed within 30 days after the public notice announcing the acceptance for filing of the application or major amendment thereto (unless Commission extends the filing deadline)	10	1 hour On occasion	10 hours
47 CFR 25.154(a)(4)			
Petitions to deny, petitions for other forms of relief and other objections or comments must contain specific allegations of fact to support original relief requested	10	1 hour On occasion	10 hours

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47 CFR 25.154(a)(5)			
Petitions to deny, petitions for other forms of relief and other objections or comments must contain a certificate of service showing that it had been mailed to the applicant no later than the date the pleading is filed with the FCC	10	1 hour On occasion	10 hours
47 CFR 25.154(a)(5)			
Oppositions to petitions to deny an application, etc. may be filed within 10 days	10	1 hour On occasion	10 hours
47 CFR 25.154(d)			
Reply comments by the party that filed the original petition may be filed with respect to pleadings filed pursuant to paragraph (c) of this section within 5 days after the time for filing oppositions has expired unless the Commission otherwise extends the filing deadline and must be in accordance with other applicable provisions of 47 CFR 1.41 and 1.52	10	1 hour On occasion	10 hours
47 CFR 25.154(e)			
Applicant must file a statement with the Commission explaining whether the applicant has resolved all outstanding issues raised by the petitioner within 30 days of the date the petition for deny is filed	10	1 hour On occasion	10 hours
47 CFR 25.164(a)			
Milestones - Licensees of geostationary orbit satellite systems licensed on or after August 27, 2003 must comply with the implementation schedule set forth in para. (a)(1) - (a)(4) (exc. Direct Broadcast Satellite (DBS); Digital Audio Radio Service (DARS))	15	4 hours On occasion	60 hours

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47 CFR 25.164(b)			
Milestones - Licensees of geostationary orbit satellite systems licensed on or after September 11, 2003 must comply with the implementation schedule set forth in para. (b)(1) - (b)(5) (exc. Direct Broadcast Satellite (DBS); Digital Audio Radio Service (DARS))	15	4 hours On occasion	60 hours
47 CFR 25.164(c)			
Licensees of all satellite systems other than DBS and DARS licensed on or after September 11, 2003 must submit a copy of their binding non-contingent contract with the Commission on or before the date scheduled for entering into such a contract	15	1 hour On occasion	15 hours
47 CFR 25.164(d)			
Licensees of all satellite systems other than DBS and DARS licensed on or after September 11, 2003 must demonstrate that the licensee has completed the critical design review of the licensed satellite system	15	2 hours On occasion	30 hours
47 CFR 25.164(e)			
Licensees of all satellite systems other than DBS and DARS licensed on or after September 11, 2003 must demonstrate that the licensee has commenced physical construction of its licensed spacecraft on or before the date scheduled for such commencement	15	1 hour On occasion	15 hours

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47 CFR 25.164(g)			
Licensees of all satellite systems including both non-geostationary orbit satellites and geostationary orbit satellites (other than DBS and DARS) and licensed on or after September 20, 2004 will be required to comply with the schedule set forth in 47 CFR 25.164(a) (GSO) and 47 CFR 25.164(b) (NGSO)	15	4 hours On occasion	60 hours
47 CFR 25.165			
For all satellite licenses issued after September 20, 2004 (except DBS and DARS licenses) and replacement satellite licenses as defined in para. (e), the licensee is required to post a bond within 30 days of the grant of its license. Failure to post a bond will render the license null and void automatically.	15	1 hour On occasion	15 hours
TOTALS:	1,248 responses	0.25 – 22 hours per response	9,765 hours

“In house Cost” – 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/hour. Therefore, the in house costs to respondents are 9,765 hours X \$60/hour = **\$585,900.**

13. Estimate of the Total Annual Cost Burden to Respondents

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 \$300 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.

\$300 per hour X 1,248 respondents/responses X 2 hours per submission = **\$748,800** Annual Costs for Outside Legal/Engineering Assistance.

Application Filing Fees: Part 25-related application fees for earth station applications range from \$60 to \$2,410. The average of these two figures is \$1235. A total of 1,144 earth station respondents X \$1,235 average fee = **\$1,412,840.**

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Part 25-related application fees for space station applications range from \$7900 to \$380,835. The average of these two figures is \$194,367.50. A total of 104 space station respondents X \$194,367.50 average fee = **\$20,214,220.**

The total of Part 25-related earth station and space station filing fees is **\$1,412,840 + \$20,214,220 = \$21,627,060.**

Total Annualized Cost:

Total Costs to the Industry	Totals
Estimated Application Filing Fees	\$21,627,060
Estimated Cost of Outside Legal/Engineering Assistance	\$748,800
Total Cost to Respondents	\$22,375,860

14. Estimate of Annualized Cost to the Federal Government:

The estimate of annualized cost to the Federal government is summarized in the chart below. As shown in the chart, the annualized costs to the Federal government are **\$884,810.00**. 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	500	\$33,605.00
GS-14/Step 5 Attorney	1	\$57.13	500	\$28,565.00
GS-15/Step 5 Engineers	2	\$67.21	2,000	\$268,840.00
GS-14/Step 5 Engineers	2	\$57.13	2,000	\$228,520.00
GS-12/Step 5 Analysts	4	\$40.66	2,000	\$325,280.00
	10		7,000	\$884,810.00

15. This Supporting Statement does not reflect any program changes or adjustments.

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

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17. We continue to seek a waiver of the requirement to display the expiration date of OMB approval on the FCC Form 312 and Schedule S 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. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.