

SUPPORTING STATEMENT

**A. Revision:**

1. On November 19, 2020, the Federal Communications Commission (Commission or FCC) released a Report and Order, FCC 20-159, in IB Docket No. 18-314, titled “Further Streamlining Part 25 Rules Governing Satellite Services.”

In the Report and Order, the Commission added a new paragraph (h) to section 25.136, 47 CFR § 25.136. The new paragraph (h) is a companion provision to other rule changes made in the Report and Order, in 47 CFR 25.133(a)(2), that give earth station licensees the option of an extended build-out period. The extended build-out period is up to five years and six months for earth stations communicating with geostationary-orbit satellites, and up to six years and six months for earth stations communicating with non-geostationary orbit satellites, in comparison with the current, alternative build-out period of one year.<sup>1</sup> For earth station licensees subject to section 25.136 that choose to take advantage of an extended build-out period, the new paragraph (h) requires re-coordination with Upper Microwave Flexible Use Service (UMFUS) licensees within one year before the earth station commences operation.

Because the new paragraph (h) in section 25.136 requires re-coordination by earth station licensees, the number of respondents, the annual number of responses, annual burden hours and annual cost will increase for this collection. The other rule sections previously approved under OMB Control Number 3060-1215 have not changed.

**Revised information collection requirements which require approval from the Office of Management and Budget (OMB) are as follows: \_**

**§ 25.136 Earth Stations in the 24.75-25.25 GHz, 27.5-28.35 GHz, 37.5-40 GHz, 47.2-48.2 GHz and 50.4-51.4 GHz bands.**

\* \* \* \* \*

(h) *Re-coordination.* An earth station licensed under this section that is brought into operation later than one year after the date of the license grant must be re-coordinated with UMFUS stations using the applicable processes in §101.103(d) of this chapter. The earth station licensee must complete re-coordination within one year before its commencement of operation. The re-coordination should account for any demographic or geographic changes as well as changes to the earth station equipment or configuration. A re-coordination notice must be filed in IBFS before commencement of earth station operations.

Statutory authority for this collection are contained in sections 1, 2, 3, 4, 5, 7, 10, 201, 225, 227, 301, 302, 302a, 303, 304, 307, 309, 310, 316, 319, 332, and 336 of the Communications Act of

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<sup>1</sup> See 47 CFR §§ 25.133(a)(2), 25.164(a), (b)(1).

1934, 47 U.S.C. §§ 151, 152, 153, 154, 155, 157, 160, 201, 225, 227, 301, 302, 302a, 303, 304, 307, 309, 310, 316, 319, 332, 336, Section 706 of the Telecommunications Act of 1996, as amended, 47 U.S.C. § 1302.

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

2. The information collection requirements adopted in the Report and Order will apply to all entities in the same manner. The Commission believes that applying the same rules equally to all entities in this context promotes fairness. The Commission does not believe that the costs and/or administrative burdens associated with the rule change will unduly burden small entities, as discussed below. The addition of the re-coordination requirement is part of an optional, extended build-out period made available to earth station licensees. This option provides additional deployment flexibility to the earth station licensee while ensuring that UMFUS licensees will have accurate information on the earth station operations, notwithstanding the substantially longer earth station build-out period. The re-coordination requirement also counterbalances the potential chilling of some UMFUS developments that might otherwise result from the extended earth station build-out periods.

3. The Commission's rules provide for electronic filing, and it is the Commission's goal to eliminate, to the greatest extent possible, the filing of paper applications.

4. The Commission does not impose a similar information requirement on the respondents. The re-coordination reflects the up-to-date parameters of the earth station as well as any demographic or geographic changes that may have taken place in the years after the earth station was initially coordinated. Therefore, the Report and Order does not impose duplicative information to be collected. Similar, up-to-date information is not available elsewhere.

5. Rules that provide an optional, extended build-out period for earth station licensees while promoting their compatibility with UMFUS stations may facilitate service by any covered earth station licensees, including small entities.

6. Information collection is required when an applicant seeks Commission approval for new or modified facilities, for re-coordination, or for an assignment or transfer of control. The frequency of the filing is generally determined by the applicant. If this collection were not conducted, the Commission could not carry out its statutory responsibilities under Section 308 and 309 of the Communications Act of 1934, as amended.

7. No special circumstances are associated with this collection of information that would make the current data collection inconsistent with 5 C.F.R. § 1320.5.

8. The 60-day notice soliciting public comments on this collection was published in the Federal Register as required under 5 C.F.R. § 1320.8(d) on April 15, 2021 (86 FR 19884). No comments were received from the public on this information collection.

9. Respondents will not receive any payments in connection with collection of information.

10. No need for confidentiality with this information collection.
11. This collection of information does not address private matters or questions of a sensitive nature.
12. Annual Burden: For the purpose of this supporting statement, the Commission estimates the number of respondent burden hours for each rule section which contains information collection requirements. The chart below outlines the number of respondents, frequency of responses, total number of responses, time per response, and total annual burden hours for each new collection.

**Existing Burden Hours:**

The following requirements have been previously approved by OMB: Sections 30.105, 30.3, 30.107 and 25.136 a, b (Third Party Disclosure) of the Commission’s rules. The Commission’s addition of paragraph (h) in section 25.136 will increase the respondents and responses to Section 25.136 a (Third Party Disclosure). Section 30.3 did not employ contract consultants to fulfill any of its burden hours. Please note there are no burden impacts/changes to Sections 25.136 b, 30.3, 30.105 and 30.107 since this collection was last approved by OMB.

**Revised Burden added to this information collection:**

The Commission revised row a of Section 25.136 (see Annual Burden) and increased the respondents from 960 to 1,400,<sup>2</sup> and each will respond on occasion. Of the 1,400 respondents, 75 percent of the respondents (1,050) contract consultants (see #13, Annual Burden Cost – Consultant) to handle the burden of reporting; the remaining 25 percent of respondents (350) employ in-house staff (see #12-a, Annual Burden) to respond.

The in-house cost is reflective in the table below titled “Annual Burden.” We assume that the respondents will use an in-house staff attorney (\$69.34/hour) an in-house engineer (\$47.71/hour) to consult and prepare information.<sup>3</sup>

The Commission calculates the burden from each rule to be as follows:

Annual Burden

	Requirement	Estimated Number of Respondents	Estimated Frequency of Responses	Total Number of Responses	Time per Response (Hours)	Total Annual Burden Hours	Effective Date of Revisions
a	§25.136, Concerning Satellite Stations	350	On occasion	350	0.5	175	Upon OMB Approval

<sup>2</sup> 1,400 reflects the Estimated Number of Respondents and Total Number of Responses for § 25.136 a: 350 + 1,050 = 1,400.

<sup>3</sup> U.S. Bureau of Labor Statistics, Economic Releases, Table 1. National employment and wage data from Occupational Employment Statistics survey by occupation - May 2018, Lawyer and Engineer, Mean Wages – Hourly.

	- Third Party Disclosure						
b	§25.136, Concerning Satellite Stations - Filing Requirement	60	On occasion	60	10	600	Previously approved – no change
c.	§30.3, Eligibility, Foreign ownership reports	30	Once	30	0.5	15	Previously approved – no change
d.	§30.105, Subpart B – Applications and Licenses Construction requirements	0	At end of license term, or 2024 for incumbent licensees	0	2	0	N/A during current 3-year approval period
e.	§30.107, Subpart B – Applications and Licenses Discontinuance of Service	0	On occasion	0	0.5	0	N/A during current 3-year approval period
	<b>Totals:</b>	<b>440 In-House Respondents</b>		<b>440 In-House Responses</b>	<b>0.5-10</b>	<b>790 Hours</b>	

**12-a.** §25.136, *Concerning Satellite Stations – Third Party Disclosure.* The Commission requires third-party disclosures during coordination and re-coordination between terrestrial and satellite operators. The Commission seeks approval for the estimated burden of 0.5 hours for about 350 annual respondents (70 are satellite applicants and 280 are UMFUS licensees) to complete the coordination requirements. This estimated burden also includes the requirement that an earth station licensee submit a notice of re-coordination in the earth station license file.

**Annual Burden:** 350 respondents x 1 response each x 0.5 hours per response = **175 hours.**

In-House Staff Cost: (350 respondents x 1 response each x 0.5 hours of engineer time per response) x \$47.71/hour = \$8,349.25.

**12-b.** §25.136, *Concerning Satellite Stations - Filing Requirement.* The Commission requires a filing requirement when applicants file for earth stations in the 24 GHz, 28 GHz, 37.5-40 GHz, or 47 GHz bands. The Commission seeks approval for the estimated burden of 10 hours for each response to complete a filing and about 200 applications per year. The Commission estimates that 75 percent of applications will be completed by outside engineers, and 25 percent from in-house engineers.

**Annual Burden:** 60 respondents x 1 response each x 10 hours per response = **600 hours.**

In-House Staff Cost: (60 respondents x 1 response each x 10 hour of engineer time per response) x \$47.71/hour = \$28,626.

**12-c. Reporting – Compliance with §30.3, Eligibility, Foreign ownership reports.** The Commission seeks approval for the estimated burden of 0.5 hours to complete a filing and from 200 possible (respondents) licensees maybe 30 respondents will submit a response at least once per year. The Commission estimates that an in-house attorney paid at an hourly rate of \$69.34/hour will make the filing.

**Annual Burden:** 30 respondents x 1 response each x 0.5 hours per response = **15 hours.**

In-House Staff Cost: 30 respondents x 1 response each x 0.5 hour of attorney time per response x \$69.34/hour = \$1,040.10.

**12-d. Reporting – Compliance with §30.105, Subpart B – Applications and Licenses, Construction requirements.** The Commission requires that UMFUS licensees shall demonstrate compliance with their performance requirements by filing a construction notification with the Commission. The first renewal period should be 10 years after the initial license is granted, or, for incumbent licensees, May 1, 2024. Since the first license renewal application will not be filed until 10 years after the initial license is granted, we do not anticipate burden hours for this collection during the next three-year approval period. When licensees file a construction notification, the Commission estimates about 2 hours per response.

= **0 hours** (this entry is on the statement merely to remind FCC staff to re-activate it in the future and to act as a place holder for this requirement.)

**12-e. Reporting – Compliance with §30.107, Subpart B – Applications and Licenses, Discontinuance of Service.** Upper Microwave Flexible Use Service licensees must notify the Commission within 10 days of discontinuance if they permanently discontinue service by filing FCC Form 601 or 605 to request license cancellation. Since the first license renewal application will not be filed until 10 years after the initial license is granted, we do not anticipate burden hours for this collection during the next three-year approval period. When a licensee files a discontinuance of service, the Commission estimates about .5 hours per response.

= **0 hours** (this entry is on the statement merely to remind FCC staff to re-activate it in the future and to act as a place holder for this requirement.)

**TOTAL NUMBER OF RESPONDENTS: 350 + 60 + 30 + 1,050 + 180 = 1,670.<sup>4</sup>**

**TOTAL NUMBER OF ANNUAL RESPONSES: 350 + 60 + 30 + 1,050 + 180 = 1,670.<sup>5</sup>**

**TOTAL ANNUAL BURDEN: 175 + 600 + 15 = 790 HOURS.**

**TOTAL IN-HOUSE STAFF COST: \$8,349.25 + \$28,626.00 + \$1,040.10 = \$38,015.35**

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<sup>4</sup> The totals for the number of respondents account for all respondents to this information collection for both in-house and consultant.

<sup>5</sup> The totals for the number of annual responses account for all the responses for this information collection for both in-house and consultant.

13. Annual Cost Burden - Consultant: Applicants should not incur outside capital and start-up costs and/or operation and maintenance of purchase or services in connection with this information collection. However, we assume that 75 percent of the respondents will contract consultants to handle the burden of reporting for Section 25.136 (please note Section 30.3 will not incur any outside contracting cost, everything will be handled for this requirement in-house); the remaining 25 percent of respondents will employ in-house staff to respond, see #12, Annual Cost Burden – In-house. The Commission assumes that the respondents will use a consultant engineer (\$250/hour) to consult and prepare information.

12-a. §25.136, Concerning Satellite Stations – Third Party Disclosure.

Annual Cost Burden - Consultant: (1,050 respondents x 1 response each x 0.5 hours of engineer time per response) x \$250/hour = \$131,250.

12-b. §25.136, Concerning Satellite Stations - Filing Requirement.

Annual Cost Burden – Consultant: (180 respondents x 1 response each x 10 hour of engineer time per response) x \$250/hour = \$450,000.

12-a. §25.136 =	\$131,250.
12-b. §25.136 =	<u>\$450,000.</u>
Total Annual Cost Burden – Consultant	\$581,250.

**TOTAL CAPITAL AND START-UP COSTS and/or OPERATION AND MAINTENANCE (O&M COSTS): \$581,250.**

14. Government Cost:

**14-a-b.** *Compliance with §25.136, Concerning Satellite Stations.* The licensees are required to file an application, however, the actual approval under the PRA for the application and the filing of it with the Commission is approved under OMB number 3060-0738 (Part 25 of the Federal Communications Commission's Rules Governing the Licensing of, and Spectrum Usage By, Commercial Earth Stations and Space Stations).

Annual Cost: **\$0**

**14-c.** *Compliance with Foreign Ownership Requirements pursuant to §30.3 – Edibility, Foreign ownership reports.* The Commission will use a reviewer at the rate of \$25.53 per hour, and the review process should take about a quarter of an hour. The cost to the Federal government processing costs are as follows (the hourly pay rate for the employee is a GS-7 step 5, \$25.53/hour).

Annual Cost: 30 respondents x .25 hours/review x \$25.53/hour = **\$191.48**

**14-d.** *Compliance with Performance Requirements pursuant to §30.105, Subpart B – Applications and Licenses, Construction requirements.* The first notification need not be filed

until 12 years after the initial license is granted under §30.105, Subpart B – Applications and Licenses – Construction Requirements. Thus, we do not anticipate any burden hours to the Commission for this collection during the next three-year approval period.

Annual Cost: **\$0**

**14-e.** *Compliance with §30.107, Subpart B – Applications and Licenses, Discontinuance of Service.* We do not anticipate any notifications being filed for this collection during the next three-year approval period; therefore, we do not anticipate any burden hours to the Commission for this collection during the next three-year approval period.

Annual Cost: **\$0**

**TOTAL ANNUAL FEDERAL GOVERNMENT COST: \$191.48.**

15. The Commission revised §25.136 information requirement in final rulemaking, FCC 20-159<sup>6</sup>, which established information collection requirements which are contained in this collection. Therefore, the annual number of respondents increased by 440, the annual number of responses increased by 440, the annual burden hours increased by 55 hours and the annual cost increased by \$41,250.

There are no adjustments to this collection.

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

17. OMB approval of the expiration of the information collection will be displayed at 47 C.F.R. § 0.408.

18. There are no exceptions to the Certification Statement.

19. Collections of Information Employing Statistical Methods:

No statistical methods are employed.

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<sup>6</sup> See question 1 above.