

## SUPPORTING STATEMENT

### **A. Justification:**

1. The Federal Communications Commission ("Commission") is requesting that the Office of Management and Budget (OMB) approve a three-year extension of OMB Control No. 3060-1067 titled, "Qualification Questions (FCC Form 312-EZ)." There are no changes in reporting requirements, respondents, burden hours and/or costs.

The "Qualification Questions" (FCC Form 312-EZ) is used by applicants for C-band<sup>1</sup> and Ku-band<sup>2</sup> earth stations (non-common carrier applicants) who are eligible for the "auto-grant" procedure. Under the "auto-grant process," the International Bureau automatically grants "routine" earth station applications proposing to use the C-band or Ku-band. To be considered "routine," earth stations must meet a number of requirements, including primarily the following: (1) the earth station antenna must meet certain minimum diameter requirements; (2) the proposed earth station must meet the antenna performance standard and power limitations contained in Part 25 of the Commission's rules; (3) the earth station must be coordinated as required by Part 25; (4) the applicant seeks to communicate only with satellites authorized to provide service in the United States; and (5) the proposed station is otherwise consistent with the Commission's legal requirements.

The FCC Form 312-EZ was developed as a result of the Federal Communications Commission's ("Commission") release of a Third Report and Order and Second Further Notice of Proposed Rulemaking (IB Docket Nos. 02-34 and 00-248, FCC 03-154) on July 8, 2003 titled, "In the Matter of Amendment of the Commission's Space Station Licensing Rules and Policies 2000 Biennial Regulatory Review -- Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations" (Note: This rulemaking is called the "Schedule S" rulemaking).

The specific rules applicable to this collection are 47 CFR Section 25.115 and Sections 25.130 through 25.139.

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

As noted on the OMB Form 83-I, this information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. This collection is used by the Commission staff in carrying out its duties concerning satellite

---

<sup>1</sup> The C-band encompasses the 3700-4200 MHz and 5925-6425 MHz frequency bands.

<sup>2</sup> The Ku-band includes the 14.0-14.5 GHz and 11.7-12.2 GHz frequency bands.

communications as required by Sections 301, 308, 309 and 310 of the Communications Act, 47 U.S.C. Sections 301, 308, 309, 310. 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. All "routine" earth station applications filed under Part 25 are included in this collection. By "routine," we mean consistent with all the technical requirements in Part 25 applicable to earth stations. As technology advances and new spectrum are allocated for satellite use, applicants for earth station licenses will continue to submit the information required in 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 U.S. 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. In an effort to minimize the paperwork burden on the public, the Commission developed the International Bureau Filing System (IBFS), an Internet based computer system. In 2005, the Commission implemented mandatory electronic filing of all satellite and earth station applications in IBFS. A total of 100 percent of FCC Form 312-EZs are filed electronically in IBFS.
4. The agency does not impose similar information collection requirements on the respondents.
5. The Commission is making an effort to minimize the burden on all respondents, regardless of size, in conformance with the PRA. The Commission limited the information collection requirements to those that are absolutely necessary for evaluating and processing applications and for deterring possible abuses of the application process. This information collection does not have a substantial impact on any small entities.
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 telecommunications 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. This information collection does not propose any new or amended information collection requirements that are not consistent with the general information collection guidelines in 5 C.F.R. § 1320.
8. On November 29, 2006, the Commission published a 60-day notice (71 FR 69122) in the Federal Register to solicit comments from the public on this information collection. The comment period ended on January 29, 2007. No comments were received from the public. A copy of the notice is included in this submission to the OMB.
9. Respondents will not receive any payments or gifts.

10. There is no need for confidentiality.
11. This information collection does not address any matters of a private or sensitive nature.
12. Estimate of Burden Hours/Respondent Cost:

Please see the chart below for the number of respondents, frequency of response, time per response, total annual burden hours, and explanation of burden estimate.

**EARTH STATIONS**

Explanation of Burden Estimate	Number of Respondents	Frequency of Response	Time Per Response	Total Annual Burden Hours
<b>47 CFR Section 25.115</b> Mandatory electronic filing of Form 312EZ for routine conventional C-band & Ku-band earth station applications eligible for "auto-grant" procedure; limited to non-common carrier applications	3,872 (90% of 4,303 = 3,872)	1 One-time filing	10	38,720

13. Estimate of the Total Annual Cost Burden to Respondents:

(a) Costs for outside legal/engineering assistance

Respondents are assumed to use outside legal or engineering assistance to complete and file their applications. The cost to applicants for these services is estimated at \$200 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. Two hours per submission is estimated for each filing of applications. The average cost of \$200 per hour X 3,872 responses X 2 hours per submission = **\$1,548,800** total costs for outside legal/engineering assistance.

Application Filing Fees

\$2,150 application fee X 3,872 respondents = \$8,324,800 total cost of application filing fees

<b>Total Costs to the Industry</b>	<b>Totals</b>
Cost of Outside Legal/Engineering Assistance	\$1,548,800
Filing Fee Estimates	\$8,324,800
<b>Total Cost to Respondents</b>	<b>\$9,873,600 (Rounded to \$9,874,000)</b>

14. Estimates of Annualized Cost to the Federal Government:

The annual cost to the Federal Government to process the FCC Form 312-EZ is approximately **\$12,261,540**. A chart with a description of costs is provided below.

<b>Costs</b>	<b>Estimated Costs to Process FCC Form 312-EZ</b>
Personnel Costs	<p>\$59.93 Per Hour X 6 GS-15/Step 5 Attorneys X 4 Hours for Review X 3,872 Applications = <b>\$5,569,175.04</b></p> <p>\$59.93 Per Hour X 6 GS-15/Step 5 Engineers X 4 Hours for Review X 3,872 Applications = <b>\$5,569,175.04</b></p> <p>\$36.26 Per Hour X 4 GS-12/Step 5 Telecommunications Specialists X 1 Hour for Review X 3,872 Applications = <b>\$1,123,189.76</b></p> <p><b>Total = \$12,261,539.84 (Rounded to \$12,261,540)</b></p>

15. There are no program changes or adjustments.

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-EZ and wish to instead display a version date. If this form remains 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 date and then reprint and redistribute the forms with the new expiration date. This would be an undue burden on Commission resources and may lead to confusion among licensees.

18. There are no exceptions to this statement.

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

No statistical methods are employed.