

~~OMB 3060-0798132~~

~~November 2003~~ ~~October 2006~~ ~~March 2002~~

~~FCC 1068A~~

~~FCC Application for Wireless Telecommunications Bureau~~

~~Radio Service Authorization~~ ~~SUPPLEMENTAL INFORMATION~~

~~72-76 MHz OPERATIONAL FIXED STATIONS, FCC Form 601,~~

3060-0132
November 2006

SUPPORTING STATEMENT

A. Justification:

1. ~~1.~~—~~FCC Rules require that the applicant agrees to eliminate any harmful interference caused by the operation to TV reception on either channel 4 or 5 that might develop. The FCC Form 1068A is form is required by the Communications Act of 1934, as amended; International Treaties and FCC Rules 47 CFR §Part 90.257. Form 601 is a consolidated, multi-part application form, or “long form,” that is used for general market-based licensing and site-by-site licensing in the Wireless Telecommunications Radio (WTB) Services’ Universal Licensing System (ULS). Form 601 is composed of a main form that contains the administrative information and a series of schedules used for filing technical information. Respondents are encouraged to submit FCC 601 electronically.~~

~~The Commission is now seeking approval for an extension of a three-year clearance. No revisions are being made to the collection. The form is being revised to include the FCC Registration Number as well as updates on the NOTICE TO INDIVIDUALS. This change will not affect the average estimated completion time of the form.~~

~~Records of the Private Land Mobile Radio Service may include information about individuals or households, and the use(s) and disclosure of this information is governed by the requirements of a system of records, FCC/WTB-1, "Wireless Services Licensing Records". However, the Commission makes all information within the Private Land Mobile Radio Service (PLMRS) publicly available on its Universal Licensing System (ULS) webpage, except the Tax Identification Numbers (TIN) which is redacted. The public is entitled to download this public information.~~

~~Statutory authority for this information collection is contained in the Communications Act of 1934, as amended; International Treaties and FCC rules 47 CFR § 90.257.~~

~~—The data collected on FCC Form 601 include the FCC Registration Number (FRN), which serves as a “common link” for all filings an entity has with the FCC. The Debt Collection Improvement Act of 1996 required that those filing with the Commission to use the FRN, effective December 3, 2001.~~

~~—We note that FCC Form 601 is being used for auctionable services as they are implemented—Form 601 is used to apply for a new authorization, or to amend a pending application for an authorization to operate a license for Wireless Telecommunications Bureau radio services. This includes Public Mobile~~

~~Services, Personal Communications Services, General Wireless Communications Services, Private Land Mobile Radio Services, Broadcast Auxiliary Services, Fixed Microwave Services, Maritime Services (excluding ships), and Aviation Services (excluding aircraft). It may also be used to modify or renew an existing license, cancel a license, consolidate call signs, withdraw a pending application, obtain a duplicate license, submit required notifications, request an extension of time to satisfy construction requirements, or request an administrative update to an existing license (such as mailing address change), request a Special Temporary Authority (STA) or a Developmental License.~~

~~—In addition to these services, the WTB is now revising Form 601 pursuant to the Report and Order, *In the Matter of the Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, GN Docket Number 01-74, FCC 01-364, which the commission adopted on December 12, 2001. The Report and Order set in motion a public auction of this spectrum, scheduled to commence on June 19, 2002. Those who are deemed auction winners (after the auction) will file Form 601 to determine their basic eligibility and qualifications as winners to become licensees. In addition to its auction functions, the Commission is also revising Form 601 to make various changes to update the form, making it easier to use, i.e., correcting mailing and web site addresses, removing the Taxpayer Identification Number, etc.~~

- ~~2. The data will be used by Commission personnel to determine if the information submitted will meet the FCC rule requirements for the assignment of frequencies in the 72-76 MHz band. The Commission, in accordance with its statutory responsibilities under the Communications Act of 1934, as amended, uses the information provided by applicants on FCC Form 601 to update its database and to determine where the applicant is legally, technically and financially qualified to provide licensed services and to make proper use of the frequency spectrum.~~
- ~~3. The Commission recently deployed a Universal Licensing System (ULS) in which this form has been incorporated. ULS provides for electronic filing of this information as an attachment to FCC Form 601, encourages the use of electronic filing and estimates that currently, at least 65% of all applications and notifications submitted to the FCC are now being filed electronically. Electronic filing is mandatory for certain categories of respondents, and others have the choice of filing manually or electronically. (These types of requirements are identified by various public notices as the radio services are implemented in ULS.)~~
- ~~4. This agency does not impose a similar information collection on the respondents. There are no similar data available.~~
- ~~5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements to those absolutely necessary for evaluating and processing each application and to deter against possible abuses of the processes.~~

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6. ~~FCC Rules require the collection of this information on applications for new or modified radio station licenses in the 72-76 MHz band. Commission personnel use this information to verify eligibility for assignment of frequencies in this band. Generally, the frequency of filing FCC Form 601 is determined by the applicant and/or licensee. The information is verified at time of renewal, every 10 years, or at the time of modification.~~
7. ~~There are no special circumstances which would require collections to be conducted in a manner. This collection of information is inconsistent with the guidelines in 5 CFR § 1320.6.~~
8. ~~The Commission initiated a 60-day public comment period which appeared in the Federal Register on September August 1232, 20063 (6718 FR No. 17637, page 53738494545). No comments were received as a result of the notice. A copy of the Federal Register notice is attached. We are requesting that OMB approve this information collection under the "emergency processing" provisions of the Paperwork Reduction Act of 1995, 5 CFR § 1320.13. We also request that OMB waive the public notice and comment requirements under 5 §§ 1320.8 and 1320.5. Upon OMB approval of this request, we will begin the regular public notice and comment period preparatory to submitting this information collection to OMB for review and approval under 5 CFR § 1320.12.~~
9. ~~Respondents will not receive any payments.~~
10. Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR §0.459 of the FCC rules.

Information on the Private Land Mobile Radio Service is maintained in the Commission's system of records, FCC/WTB-1, "Wireless Services Licensing Records." These licensee records are publicly available and routinely used in accordance with subsection b. of the Privacy Act, 5 U.S.C. 552a(b), as amended. TIN Numbers and material that is afforded confidential treatment pursuant to a request made under 47 CFR §0.459 will not be available for Public inspection. However, these and all other records may also be disclosed for the following purposes:

1. A Record from this system may be disclosed where there is an indication of a violation or potential violation of a statute, regulation or order, records from this system may be used to conduct enforcement proceedings within the agency, or may be referred to Federal, state, or local law enforcement personnel responsible for investigating, prosecuting or for enforcing or implementing the statute, regulation or order.
2. Records may be utilized to report to the President, NTIA and other federal agencies regarding the current uses and utilization of the spectrum that the FCC manages.
3. A record on an individual may be used where pertinent in any legal proceeding to which the Commission is a party before a court or administrative body.

4. A record from this system may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:
 - a. The United States, the Commission, a component of the Commission, or, when arising from his employment, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation; and
 - b. The Commission determines that the disclosure is relevant or necessary to the litigation.
5. A Record from this system may be disclosed to debt collection contractors (31 U.S.C. 3718) or to other Federal agencies such as the Department of the Treasury (Treasury) for the purpose of collecting and reporting on delinquent debts as authorized by the Debt Collection Act of 1982 or the Debt Collection Improvement Act of 1996;
6. A Record from this system may be disclosed to Treasury; the Defense Manpower Data Center, Department of Defense; the United States Postal Service; government corporations; or any other Federal, State, or local agency to conduct an authorized computer matching program in compliance with the Privacy Act of 1974, as amended, to identify and locate individuals, including Federal employees, who are delinquent in their repayment of certain debts owed to the U.S. Government, including those incurred under certain programs or services administered by the FCC, in order to collect debts under common law or under the provisions of the Debt Collection Act of 1982 or the Debt Collection Improvement Act of 1996 which include by voluntary repayment, administrative or salary offset, and referral to debt collection contractors.
7. A Record from this system may be disclosed to the Department of Justice, United States Attorney, Treasury, or other Federal agencies for further collection action on any delinquent account when circumstances warrant.
8. A Record from this system may be disclosed to credit reporting agencies/credit bureaus for the purpose of either adding to a credit history file or obtaining a credit history file or comparable credit information for use in the administration of debt collection. As authorized by the DCIA, the FCC may report current (not delinquent) as well as delinquent consumer and commercial debt to these entities in order to aid in the collection of debts, typically by providing an incentive to the person to repay the debt timely. Proposed revisions to the Federal Claims Collection Standards (FCCS) published in the *Federal Register* on December 31, 1997, direct agencies to report information on delinquent debts to the Department of Housing and Urban Development's Credit Alert Interactive Voice Response System (CAIVRS). The FCC will report this information to CAIVRS if the proposed requirement is contained in the final rule amending the FCCS.
9. A Record from this system may be disclosed to any Federal agency where the debtor is employed or receiving some form of remuneration for the purpose of enabling that agency to collect a debt

owed the Federal government on the FCC's behalf. The FCC may counsel the debtor for voluntary repayment or may initiate administrative or salary offset procedures, or other authorized debt collection methods under the provisions of the Debt Collection Act of 1982 or the Debt Collection Improvement Act of 1996. Pursuant to the DCIA, the FCC may garnish non-Federal wages of certain delinquent debtors so long as required due process procedures are followed. In these instances, the FCC's notice to the employer will disclose only the information that may be necessary for the employer to comply with the withholding order.

10. A Record from this system may be disclosed to the Internal Revenue Service (IRS) by computer matching to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim by the FCC against the taxpayer pursuant to 26 U.S.C. 6103(m)(2) and in accordance with 31 U.S.C. 3711, 3717, and 3718 or common law. Disclosure of a mailing address obtained from the IRS may be made only for debt collection purposes, including to a debt collection agent to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982 or the Debt Collection Improvement Act of 1996, except that disclosure of a mailing address to a reporting agency is for the limited purpose of obtaining a credit report on the particular taxpayer. Any mailing address information obtained from the IRS will not be used or shared for any other FCC purpose or disclosed by the FCC to another Federal, State, or local agency which seeks to locate the same taxpayer for its own debt collection purposes.
11. A Record from this system may be disclosed to refer legally enforceable debts to the IRS or to Treasury's Debt Management Services to be offset against the debtor's tax refunds under the Federal Tax Refund Offset Program.
12. A Record from this system may be disclosed to prepare W-2, 1099, or other forms or electronic submittals, to forward to the IRS and applicable State and local governments for tax reporting purposes. Under the provisions of the DCIA, the FCC is permitted to provide Treasury with Form 1099-C information on discharged debts so that Treasury may file the form on the FCC's behalf with the IRS. W-2 and 1099 Forms contain information on items to be considered as income to an individual, including payments made to persons not treated as employees (e.g., fees to consultants and experts), and amounts written-off as legally or administratively uncollectible, in whole or in part.
13. A Record from this system may be disclosed to banks enrolled in the Treasury Credit Card Network to collect a payment or debt when the individual has given his or her credit card number for this purpose.
14. A Record from this system may be disclosed to another Federal agency that has asked the FCC to effect an administrative offset under common law or under 31 U.S.C. 3716 to help collect a debt owed the United States. Disclosure under this routine use is limited to name, address, TIN, and

other information necessary to identify the individual; information about the money payable to or held for the individual; and other information concerning the administrative offset.

15. A Record from this system may be disclosed to Treasury or other Federal agencies with whom the FCC has entered into an agreement establishing the terms and conditions for debt collection cross-servicing operations on behalf of the FCC to satisfy, in whole or in part, debts owed to the U.S. government. Cross-servicing includes the possible use of all debt collection tools such as administrative offset, tax refund offset, referral to debt collection contractors, and referral to the Department of Justice. The DCIA requires agencies to transfer to Treasury or Treasury-designated Debt Collection Centers for cross-servicing certain non-tax debt over 180 days delinquent. Treasury has the authority to act in the Federal government's best interest to service, collect, compromise, suspend, or terminate collection action in accordance with existing laws under which the debts arise.
16. Information on past due, legally enforceable non-tax debts more than 180 days delinquent will be referred to Treasury for the purpose of locating the debtor and/or effecting administrative offset against monies payable by the government to the debtor, or held by the government for the debtor under the DCIA's mandatory, government-wide Treasury Offset Program (TOP). Under TOP, Treasury maintains a database of all qualified delinquent non-tax debts, and works with agencies to match by computer their payments against the delinquent debtor database in order to divert payments to pay the delinquent debt. Treasury has the authority to waive the computer matching requirement for the FCC and other agencies upon written certification that administrative due process notice requirements have been complied with.
17. For debt collection purposes, the FCC may publish or otherwise publicly disseminate information regarding the identity of delinquent non-tax debtors and the existence of the non-tax debts under the provisions of the Debt Collection Improvement Act of 1996.
18. A Record from this system may be disclosed to the Department of Labor (DOL) and the Department of Health and Human Services (HHS) to conduct an authorized computer matching program in compliance with the Privacy Act of 1974, as amended, to match the FCC's debtor records with the records of DOL and HHS to obtain names, name controls, names of employers, addresses, dates of birth, and TINs. The DCIA requires all Federal agencies to obtain taxpayer identification numbers from each individual or entity doing business with the agency, including applicants and recipients of licenses, grants, or benefit payments; contractors; and entities and individuals owing fines, fees, or penalties to the agency. The FCC will use TINs in collecting and reporting any delinquent amounts resulting from doing business with applicants and licensees.
19. If the FCC decides or is required to sell a delinquent non-tax debt pursuant to 31 U.S.C. 3711(i), information in this system of records may be disclosed to purchasers, potential purchasers, and contractors engaged to assist in the sale or to obtain information necessary for potential

purchasers to formulate bids and information necessary for purchasers to pursue collection remedies.

20. If the FCC has current and delinquent collateralized non-tax debts pursuant to 31 U.S.C. 3711(i) (4)a., certain information in this system of records on its portfolio of loans, notes and guarantees, and other collateralized debts will be reported to Congress based on standards developed by the Office of Management and Budget, in consultation with Treasury.
21. A Record from this system may be disclosed to Treasury in order to request a payment to individuals owed money by the FCC.
22. A Record from this system may be disclosed to the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

In each of these cases the FCC will determine whether such use of the records is compatible with the purpose for which the records were collected.

The Commission has taken certain steps to insure that the information on applicants that are covered under FCC system of records FCC/WTB-1, "Wireless Services Licensing Records," is secure. The information in this system of records all records will be stored and accessed electronically. Records that are submitted to the FCC on paper will be scanned or keyed into the computer system as appropriate. Paper records submitted to the FCC will be archived after being entered into ULS. Tape backups of records will be periodically created. Records of prior licensees will be archived.

The Commission has taken the following safeguards to maintain the security and integrity of these records:

1. Records (other than TINs and materials which are afforded confidential treatment under 47 CFR 0.459) are accessible to the public.
2. Access to certain records may be available on the Internet. Access to other records will be available using a web browser on the Commission wide area network.
3. The ability to enter and change individual records will be protected by passwords issued to applicants and licensees. Records will be protected from unauthorized changes by passwords and other computer security measures within the agency.
4. TINs reported to the agency as requested on appropriate forms will not be available to the public. (The agency cannot be responsible for the disclosure of TINs by applicants in attachments to applications or pleadings in situations where confidentiality is not requested.)

5. Each applicant or licensee will be given a unique identifier generated by the ULS after such applicant or licensee provides its TIN to the agency. These identifiers will be used within the agency and by the public to obtain information on the licenses held by particular individuals or entities. These identifiers will be used in lieu of tracking by TINs so that the agency can avoid unnecessary disclosure of TINs. Within the agency, access to TINs will be available only to those persons whose jobs require such access (e.g., FCC staff who report debt information to the U.S. Department of Treasury).
6. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

The Commission has in place the following policy and procedures for records retention and disposal: Records will be actively maintained as long as an individual remains a licensee. Paper records will be archived after being keyed or scanned into the system. Electronic records will be backed up on tape. Electronic and paper records will be maintained for at least twelve years and three months.

11. There are no requests of a sensitive nature considered or those considered a private matter being sought from the applicants on this collection.
12. ~~12.~~—The Commission estimates ~~that respondents (applicants/licensees) will file approximately 241,335~~ **300 respondents** will be affected by this collection with an estimated FCC Form 601 applications annually and that the ~~average~~ burden per respondent is ~~30 minutes~~ **1.25 hours**. FCC Form 1068A is generally contracted out and completed by engineers, application preparers and communications specialists.

300 respondents x 0.50 hours = 150 Total Annual Burden Hours.

~~We expect these changes to alter the estimated average burden of 1.25 hours and to alter slightly the total estimated number of respondents and the estimated respondent costs.~~

~~We estimate that 50% of the respondents (120,668) will complete the application themselves with no additional assistance and that 50% (120,668) will contract out completing the form to a law firm or application preparation service.~~

~~We estimate it to take approximately 1.25 hours per respondent to complete FCC Form 601 for those respondents completing the forms themselves. For those respondents hiring a consultant, we estimate a burden of approximately 30 minutes (0.5 hours) to coordinate with the consultant.~~

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The total annual burden is:

~~120,668 @ 1.25 hours = 150,835 hours~~

~~120,668 @ .5.0 hours = 60,334 hours~~

~~**Total Burden Hours: 150,835 + 60,334 = 211,169 hours**~~

47 CFR Part 90 provides that certain applicants obtain frequency coordination prior to submitting their application to the FCC. We estimate that approximately 40% of the total respondents (96,534 respondents) are required to comply with frequency coordination requirements. There is no additional time burden placed on the respondent for this third party disclosure requirement, however, it adds an extra "step" to the application filing requirements. Applicants forward their applications via the non-profit private sector frequency coordinators designated by type of radio service to the FCC. The frequency coordinator then forwards the application and application remittance to the FCC, in most cases electronically.

Assuming that 50% of the respondents use personnel comparable in pay to a mid-to-senior level federal employee (GS-13, Step 5) to prepare the collection, we estimate the cost to be about \$36 per hour @ 1.25 hours per filing. The cost per filing: $\$35 \times 1.25 = \43.75 .

~~**120,668 applications @ \$43.75 per filing = \$5,279,225**~~

50% will contract out completing the form to a law firm or application preparation service and will spend approximately 30 minutes (0.5 hours) coordinating this information. Assuming they use personnel comparable in pay to a mid-to-senior level federal employee to coordinate this submission we estimate the cost to be approximately \$35 per hour @ 0.5 hours per filing. The cost per filing = \$17.50.

~~**120,668 applications @ \$17.50 per filing = \$2,111,690**~~

~~**Total in-house cost to the respondents: \$5,279,225 + \$2,111,690 = \$7,390,915**~~

13. Cost to the Respondent:

Completion of FCC Form 1068A is usually contracted out and completed by engineers, application preparers and communications specialists. Using an average wage of \$30 per hour, we estimate the cost per application to be \$15.00.a. Total annualized capital/start-up costs: \$0.00

b. Total annualized cost requested to prepare FCC Form 601 are:

c.—

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~~d. There is no electronic filing cost to file the application electronically with the FCC other than the cost of a long distance phone call and Internet access. Respondents filing manually will incur postage costs:~~

~~e. _____~~

~~f. 84,468 (35%) respondents filing manually x \$2.50 postage = \$211,170.~~

FCC application filing fees:

~~We estimate that approximately 75% of the applications filed require an application fee of \$50-\$330. (The balance of the respondents would be fee exempt due to type of entity, i.e. Public Safety, governmental entities, Non-commercial educational broadcast, or because the purpose for which they are filing does not require a fee.)~~

~~For purposes of this submission, we estimate the total application fees using an average of \$100 per filing:~~

~~241,335 total respondents @ 75% (feeable) = 181,001 feeable filings~~

181,001 filings @ \$100 average fee = \$18,100,100

~~We estimate that 50% of the respondents will contract out the completion of the form and would use an attorney/engineer or application preparation service at a cost of \$200/hour to prepare the FCC Form 601.~~

120,668 applications x 1.25 hours @ \$200/hour = \$30,167,000.

Total Estimated Respondent Cost: \$18,100,100 + 30,167,000 = \$48,267,100.

300 Respondents x \$15.00 = \$4,500.00 (rounded to \$5,000) Total Cost to Respondent.

14. Cost to the Federal Government:

FCC 601 Applications estimated to be filed: 241,335

~~(Cost of printing is for FCC 601 — approximately \$60.00 per thousand 104 pages each — is estimated to be \$1,135 per thousand.)~~

150 .3 (300150,000 copies) @ \$1,13560 per 1,000 = \$170,25018 (Printing)

\$36,07541,559 x %10120,668 applications to be data entered

at an average of 5 minutes (.084 hrs) each using a data entry contractor @ \$14.54 hr.

10,136 hours @ \$14.54 = \$147,379 (Data Entry)

120,668 applications x 30 mins. (0.50 hrs)

@ \$17 per hour (GS-7 Step 5) for an = \$1,025,678 34,607,156

(Processing)

Industry Analyst

120,668 applications x 10 mins. (0.166 hrs) = \$340,525 (Processing)

@ \$17 per hour (GS-7 Step 5) for an Industry Analyst

241,335 licenses @ .34 each = \$82,054 (Postage)

Sub-Total = \$143,174 ~~625,765,886~~

25% Overhead \$1,044,906 ~~441,472~~

Total \$2,207,358 45,531,218

15. ~~There are no changes or adjustments to the total burden hours or costs to the respondent reported in this collection. The program changes in this information collection result from the adoption of a Report and Order in GN Docket Number 01-74, FCC 01-364.~~

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

17. The Commission is requesting a continued waiver from displaying the OMB expiration date on the FCC ~~Form Form 601~~ Form 1068A. Granting this waiver will prevent the Commission from destroying paper stock upon re-approval of the form.

18. There are no exceptions to the "Certification Statement" in Item 19.

B. Collections of Information Employing Statistical Methods:

This information collection does not use any statistical methods.