

Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations**SUPPORTING STATEMENT****A. Justification:****1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitates the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The collections of information that are contained in 47 CFR Part 5 are made necessary by 47 CFR Sections 5.55(c), 5.61(c), 5.75, 5.85(d), 5.85(e), and 5.93(b) of the Commission's rules. *See Report and Order*,¹ which governs the Experimental Radio Service that fall under the Third Party requirement. They are as follows:

- (1) pursuant to section 5.55(c), each application for experimental radio authorization shall be specific and complete with regard to:
 - station location, proposed equipment, power, antenna height, and operating frequency; and other information required by the application form and the rules;
- (2) pursuant to section 5.61(c), an application for experimental special temporary authority shall contain:
 - Name, address, phone number of the applicant, ²description of why the STA is needed, description of the operation to be conducted and its purpose, time and dates of proposed operation, classes of station and call sign, description of the location, equipment to be used, frequency desired, power desired, and antenna height information;
- (3) pursuant to Section 5.75, if a blanket experimental radio license is granted:
 - licensees are required to notify the Commission of the specific details of each individual experiment:
 - specific details should include location, number of base and mobile units, power, emission designator, and any other pertinent technical information not specified by the blanket license;
- (4) pursuant to Section 5.85(d), when applicants are using public safety frequencies to perform experiments of a public safety nature:
 - the license may be conditioned to require coordination between the experimental licensee and appropriate frequency coordinator and/or all public safety licensees in its area of operation;
- (5) pursuant to Section 5.85(e), the Commission may at its discretion:

¹ In the Matter of Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations, ET Docket No. 96-256, 13 FCC Rcd 21391 (1998), FCC 98-283.

² The FCC's system of records (SORN), FCC/OET-1, "Experimental Radio Station License Files," provides various safeguards that protect the collection, maintenance, storage, uses, and disposal of the personal information that individual applicants must provide to the FCC as part of the application process to obtain an experimental radio authorization. This SORN was published in the *Federal Register* on April 6, 2006 (71 FR 17234, 17241).

Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations

- condition any grant of an experimental license or special temporary authority (STA) on the requirement that before commencing operation, the new licensee must coordinate its proposed facility with other licensees that may receive interference as a result of the new licensee's operations; and

(6) pursuant to Section 5.93(b), unless otherwise stated in the instrument of authorization:

- licenses granted for the purpose of limited market studies require the licensee to inform anyone participating in the experiment that the service or device is granted under an experimental authorization and is strictly temporary.

In all cases, it is the responsibility of the licensee to coordinate with other users.

- Coordination is necessary to avoid harmful interference,
- Notification to participants of limited market studies is necessary to indicate that the experiment is temporary.

This information collection contains personally identifiable information on individuals (PII).

- (a) The FCC maintains a system of records notice (SORN), FCC/OET-1, "Experimental Radio Station License Files," to cover the collection, purposes(s), storage, safeguards, and disposal of the PII that individual applicants (respondents) may submit to the Commission when applying for an experimental radio license using one of several FCC forms: Form 442, "New and Modifications," Form 405, "Renewals," FCC Form 703, "Assignments," and/or FCC Form 703, "Transfer of Control."
- (b) The FCC published this SORN last on April 5, 2006 (71 FR 17234, 17241).
- (c) Going forward, if the FCC makes substantive changes to the Experimental Radio Station License Files, the Commission will conduct a full Privacy Impact Assessment of the SORN covered by FCC/OET-1, update this SORN, publish a Notice in the *Federal Register*, and post both documents on the FCC webpage, as required by OMB Memorandum, M-03-22 (September 22, 2003).

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

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Experimental Radio Service provides for experimental uses of radio frequencies and for development of techniques and systems that are not otherwise permitted under existing service rules.

- (a) This is an opportunity for manufacturers, inventors, entrepreneurs, and students to experiment with new radio technologies, new equipment designs, or new service concepts related to the use of the radio spectrum.

Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations

- Applicants must file one of several FCC forms: Form 442, "New and Modifications," Form 405, "Renewals," FCC Form 703, "Assignments," and/or FCC Form 703, "Transfer of Control," that the Experimental Licensing Branch uses to collect information, including the applicants' names, address, and contact information, as well as station information such as antenna location, frequency, power, number of transmitters, etc.

The information applicants must provide does not include personal information such as social security numbers or bank account numbers.

- As a condition for the use of some licenses, applicants are required to coordinate the use of certain frequencies with existing licensees.
 - (1) Evidence of the signal coordination performed by the applicants can be retained by the applicants or submitted to the Commission if the Commission requests that the applicant must provide the information.
 - (2) The evidence of signal coordination may be in the form of correspondence such as a letter or e-mail from an existing licensee permitting the experimental radio service applicant to use their frequency to perform an experiment on a non-interference basis and does not require the collection of private information.
- (b) Stations operating in the Experimental Radio Service may be authorized to use any government or non-government frequency designated in the Table of Frequency Allocations, provided that the need for the frequency request is justified by the applicant.
- (c) In all cases, it is the responsibility of the licensee to coordinate with other users.
 - (1) coordination is necessary to avoid harmful interference, and
 - (2) notification to participants of limited market studies is necessary to indicate that the experiment is temporary.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Applicants are required to file electronically over the internet through the Experimental Licensing System.

- (a) This requirement was put in place after analysis of filing trends showing upwards of 93% electronic filing at the time.
- (b) However, the Commission does allow in limited circumstances an applicant to request a waiver of this requirement.
- (c) This requirement reduces the burden on applicants by permitting a simple interface for inputting information and speeds the processing time.

Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations

(d) Finally, this requirement furthers the Commission's compliance with Section 1704 of the Government Paperwork Elimination Act.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

The Commission is the only agency that issues experimental radio licenses; therefore, no other agency is imposing such information collection requirements.

5. If the collection of information impacts small businesses or other small entities (item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Although small entities and 3rd party notifications are subject to these reporting requirements, the FCC imposes these requirements to protect public safety and life and to prevent the potentially harmful and detrimental consequences that radio interference can cause the public.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the collection is not conducted or is conducted less frequently, then the Commission's database of experiments would fail to keep up to date. The consequences could be that users of the radio spectrum, including public safety entities and other providers of critical services, would not be able to easily identify the party to contact if interference is received.

7. Explain any special circumstances that cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;**
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * requiring respondents to submit more than an original and two copies of any document;**
- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances required for this collection of information that deviate from these reporting requirements, with two exceptions:

- (a) In those circumstances where an applicant requests expedited processing of an application and the Commission determines that additional information is needed in order to properly process the application; and
- (b) When individual applicants must include personally identifiable information (PII), which they may submit as part of their application using one of several Commission forms:

FCC Form 442, "Application for a New and Modified Station;"

FCC Form 405, "Application for Renewal of a Station License;"

Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations

FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Authorization or License;" and/or

FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Station License."

Any PII that is include on an application or an FCC form is covered by the FCC's system of records notice (SORN), FCC/OET-1, "Experimental Radio Station License Files," which individual applicants (respondents) may submit to the Commission when applying for an experimental radio license. The FCC published this SORN last on April 5, 2006 (71 FR 17234, 17241).

Going forward, if the FCC makes substantive changes to the Experimental Radio Station License Files, the Commission will conduct a full Privacy Impact Assessment of the SORN covered by FCC/OET-1, update this SORN, and post these two documents on the FCC webpage, as required by OMB Memorandum, M-03-22 (September 22, 2003).

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB.

-Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The Commission published a notice in the *Federal Register* on August 23, 2006 (71 FR 49452), which is attached. No comments were received in response to the notice.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

Respondents will not be receiving any payment.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

The Experimental Licensing System database is publicly accessible and in general, respondents do not have any assurances of confidentiality. However, applicants may request that certain portions of their application be kept confidential. In these instances, the Commission has established rules in Section 0.459 regarding how to file such requests.

Any personally identifiable information that individual applicants provide is covered by a system of records, FCC/OET-1, "Experimental Radio Station License Files."

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the

Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations

specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection does not include any questions of a sensitive nature.

However, the Commission notes that individual applicants may be required to provide personally identifiable information, as noted elsewhere in this supporting statement.

- (a) This information is required for the FCC to evaluate and to approve an application for an experimental radio service license, including use of one or more of these FCC Forms: Form 442, Form 405, Form 702, and/or Form 703.
- (b) Any personally identifiable information that individual applicants provide is covered by a system of records, FCC/OET-1, "Experimental Radio Station License Files."
- (c) As noted above, going forward, if the FCC makes substantive changes to the Experimental Radio Station License Files, the Commission will conduct a full Privacy Impact Assessment of the SORN covered by FCC/OET-1, update this SORN, and post these two documents on the FCC webpage, as required by OMB Memorandum, M-03-22 (September 22, 2003).

12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.

The information collections are one-time requirements per experimental application coordination.

Total Number of Respondents Annually:

Based upon statistical analysis of experimental authorizations granted over the past year, we estimate that:

- (a) Businesses and other "for profit" entities:
 - (1) An average of 8 entities per year apply for experimental authorizations employing public safety frequencies;
 - (2) An average of 250 entities apply for frequencies that require coordination with existing licensees;
 - (3) An average of 120 entities apply for authority to conduct market tests with the requirement to notify the participants that the device or service is granted under an experimental authority and is strictly temporary; and
- (b) Not-for-profit institutions:

Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations

An average of 40 fee-exempt entities such as state universities apply per year for experimental authorizations that require coordination with existing licensees.

(c) Individuals:

An average of 10 individuals apply for frequencies that require coordination with existing licensees.

Total Number of Respondents: $8 + 250 + 120 + 40 + 10 = 428$ respondents (licensees)

Total Annual Responses:

We estimate that:

(a) Businesses and other "for profit" entities:

(1) A licensee for use of public safety frequencies must coordinate with existing licensees on average about 3 coordinations per application:

8 experimental authorization applications x 3 existing licensee coordinations = **24**

(2) The number of coordinations required by a licensee for use of frequencies with other existing licensees will average about 5 per application:

250 frequency applications x 5 coordinations = **1,250**

(3) The number of licensee participants in a market test will average 25 per application:

120 market test authority applications x 25 licensee participants = **3,000**

(b) Not-for-profit institutions:

The number of coordinations required by a fee-exempt licensee for use of frequencies with other existing licensees will average about 5 per application:

40 frequency applications x 5 coordinations = **200**.

(c) Individuals:

The number of coordinations required by an individual for use of frequencies with other existing licensees will average about 5 per application:

10 frequency applications x 5 coordinations = **50**

Total Annual Number of Responses: $24 + 1,250 + 3,000 + 200 + 50 = 4,524$ responses.

Total Annual Burden Hours:

Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations

The corresponding burden hours per category for third party notifications are as follows:

(a) Businesses and other "for profit" entities:

- (1) Public actions for experimental authorization applications may require 3 coordinations by a licensee per request at 0.25 hours per coordination:

$$0.25 \times 3 = 0.75 \text{ (avg)}$$

$$8 \text{ entities} \times 0.75 \text{ (avg)} = \mathbf{6 \text{ hours}}$$

- (2) Entities required to coordinate with other licensees may require 5 coordinations per request at 0.25 hours per coordination:

$$0.25 \times 5 \text{ coordinations} = 1.25 \text{ hours (avg)}$$

$$250 \text{ frequency applications} \times 1.25 = \mathbf{312.5 \text{ hours}}$$

- (3) Market tests requiring notification to participants are estimated to be 25 notifications at 0.1 hour per notification:

$$0.1 \times 25 \text{ licensee participants} = 2.5 \text{ hours}$$

$$120 \text{ market test applications} \times 2.5 = \mathbf{300 \text{ hrs}}$$

(b) Not-for-profit institutions:

Fee-exempt entities required to coordinate with other licensees may require 5 coordinations per request at 0.25 hours per coordination:

$$0.25 \times 5 \text{ coordinations} = 1.25 \text{ hours (avg)}$$

$$40 \text{ frequency applications} \times 1.25 = \mathbf{50 \text{ hours;}}$$

(c) Individuals:

Individuals required to coordinate with other licensees may require 5 coordinations per request at 0.25 hours per coordination:

$$0.25 \times 5 \text{ coordinations} = 1.25 \text{ hrs (avg)}$$

$$10 \text{ frequency applications} \times 1.25 = \mathbf{12.5 \text{ hours}}$$

Total Annual Hourly Burden: 6 + 312.5 + 300 + 50 + 12.5 = 681 hours.

We estimate the following:

Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations

(a) Businesses and other "for profit" entities:

(1) The cost for the respondents to convey information back to licensee for public safety requests – a technical person:

@ \$44.00 per hour x 0.75 = \$33 per application x 8 experimental authorizations = **\$264.00**

(2) The entities required to coordinate with the licensees – a technical person:

@ \$44.00 per hour x 1.25 = \$55 per application x 250 frequency applications = **\$13,750.00**

(3) The cost of market test notifications – a clerical person:

@ \$18.00 per hour x 2.5 = \$45.00 per application x 120 market text applications = **\$5,400.00**

(b) Not-for-profit institutions:

The fee-exempt entities required to coordinate with the licensees – a technical person:

@ \$44.00 per hour x 1.25 = \$55 per application x 40 frequency applications = **\$2,200.00**.

(c) Individuals:

The individuals required to coordinate with the licensees – a technical person:

@ \$44.00 per hour x 1.25 = \$55 per application x 10 frequency applications = **\$550.00**

Total "In House" Cost: \$264.00 + \$13,750.00 + \$5,400.00 + \$2,200.00 + \$550.00 = \$22,164.00

Respondent Groups	Number of Respondents	License Coordinations	Number of Responses	Number of Responses per Respondent	Hourly Burden	Total Hours	Per Hour "In House" Costs	Application Fees	Total "In House" Costs
Businesses	8	3	24	3.000000	0.25	6.00	\$44.00	\$33.00	\$264.00
	250	5	1,250	5.000000	0.25	312.50	\$44.00	\$55.00	\$13,750.00
	120	25	3,000	25.000000	0.10	300.00	\$18.00	\$45.00	\$5,400.00
Totals	378		4,274	11.3068783		619.50			\$19,414.00
Institutions	40	5	200	5.000000	0.25	50.00	\$44.00	\$55.00	\$2,200.00
Totals	40	5	200	5.000000		50.00			\$2,200.00
Individuals	10	5	50	5.000000		12.50	\$44.00	\$55.00	\$550.00
Totals	10	5	50	5.000000		12.50			\$550.00
Cumulative Totals	428		4,524			681.00			\$22,164.00

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12

Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations

and 14).

The Commission believes that with that the businesses and other “for profit” entities, institutions and non-profits, and individuals which are subject to these coordination requirements consider the cost to coordinate their experimental radio station licenses to be part of the normal business expenses and that such costs are included in their budgeting. Thus:

- (a) Total annual capital/startup costs: **None**
- (b) Total annual costs (O&M): **None**
- (c) Total annualized cost requested: **None**

14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expenses that would not have been incurred without this collection of information.

There are no additional cost to the Federal Government because management of the experimental radio station licensing program is part of the FCC's regulatory responsibilities.

15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of the OMB Form 83-I.

There are no program changes or adjustments.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

This collection of information is intended to ensure compliance with applicable Commission rules. The data are not compiled, published, or otherwise reported to the public.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Since this information collection does not include any FCC forms, we are not seeking exemption from displaying the expiration date for OMB approval of this collection.

18. Explain any exceptions to the Certification Statement identified in Item 19, “Certification of Paper Work Reduction Act Submissions,” of OMB Form 83-I.

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

B. Collection of Information Employing Statistical Methods:

3060-0758

February 2007

**Amendment of Part 5 of the Commission's Rules to Revise the
Experimental Radio Service Regulations**

This information collection does not employ any statistical methods.