SUPPORTING STATEMENT

A. Justification:

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

On June 12, 2000, the FCC released a Report and Order, *In the Matter of Amendment of Parts 2 and 95 of the Commission's Rules to Create a Wireless Medical Telemetry Service* ("WMTS"), ET Docket No. 99-255, PR Docket No. 92-235, FCC 00-211, which enhances the ability of health care providers to offer high quality and cost effective care to patients with acute and chronic health care needs.

(a) Medical telemetry equipment is used in hospitals and health care facilities to transmit patient measurement data, such as pulse and respiration rates to a nearby Receiver, that permits greater patient mobility and increased comfort.

(b) The Commission allocated spectrum to WMTS on a primary basis, which allows potentially life-critical medical telemetry equipment to operate on an interference-protected basis.

(c) The Commission also adopted service rules for WMTS that "license by rule" meaning that users are permitted to operate WMTS equipment that complies with the rules without the need to apply for a license from the Commission.

(d) Furthermore, the Commission adopted rules to designate a frequency coordinator, who maintains a database of all WMTS equipment.

(e) Without a database, there would be no record of WMTS usage because WMTS transmitters are not individually licensed.

(f) All parties using equipment in the WMTS are required to coordinate/register their operating frequency and other relevant technical operating parameters with the designated coordinator.

(g) The database provides a record of the frequencies used by each facility or device to assist parties in selecting frequencies to avoid interference.

As noted on the OMB Form 83-I, this information collection does not affect individuals or households – respondents are health care providers, see § 95.1111(a) of the rules. Thus there are no impacts under the Privacy Act and a Privacy Impact Assessment is not required.

The Commission has authority for this information collection pursuant to Sections 4(i), 11, 301, 302, 303(e), 303(f), 303(r), 304, 307 and 332(b) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 161, 301, 302, 303(e), 303(f), 303(r), 304, 307 and 332(b).

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.

The designated frequency coordinator has the responsibility to maintain an accurate engineering database of all WMTS transmitters, identified by:

- location (coordinates, street address, building),
- operating frequency, emission type and output power, frequency range(s) used, modulation scheme used, effective radiated power,
- number of transmitters in use at the health care facility at the time of registration,
- legal name of the authorized health care provider,
- points of contact for authorized health care provider.

Without the database, there would be no record of WMTS usage because WMTS transmitters will not be individually licensed.

- The database is used by health care providers to plan for specific frequency use within a geographic area, especially where numerous WMTS operations may occur.

- The coordinator will also notify users of potential frequency conflicts.

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.

Coordination is provided through third party requirements by the frequency coordinator; the FCC has no requirement/restriction on how third party coordination/notification is conducted.

Note: The designated coordinator "American Society for Healthcare Engineering of the American Hospital Association" (AHA/ASHE) collects the information electronically, although there is no requirement in the rules to do.

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.

No similar information is available elsewhere. As a third party requirement some duplication of effort is involved for applicants; however, reasonable efforts are necessary to satisfy interference concerns.

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.

The equipment in question is highly specialized medical equipment that is manufactured only by the larger manufacturers; and therefore there is no impact on small businesses.

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.

The information is necessary to allow the coordinator and parties using the WMTS database to contact other users to verify information and resolve potential conflicts. Each user is responsible for determining in advance of installation, whether its new devices are likely to cause or be susceptible to interference from devices already registered in the coordination database.

Therefore, failure of parties to register with the frequency coordinator could result in interference between equipment operators.

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.

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 Federal Register citation soliciting comments is 71 FR 76631, December 20, 2006 (copy attached). No comments were received from the public. A copy of the 60 day notice is included in this submission to the OMB.

9. Explain any decision to provide any payment or gift to respondents, other than re-enumeration 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.

No information is requested that would require assurance of confidentiality.

11. Provide additional justification for any questions of a sensitive nature.

No sensitive information is required for this collection. The requirement is for recordkeeping, therefore assurance of confidentially is not applicable.

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.

Approximately 2,500 operators (respondents) are registered with the frequency coordinator **(there is only one database and one coordinator).** The length of time to prepare the response varies depending on the complexity of the installation. The response for a small installation takes approximately 1-2 hours and a large installation takes approximately 3-4 hours.

Total Number of Respondents: 2,500 Operators

Total Annual Hourly Burden: 10,000 hours

2500 respondent x 4 hours/response (avg.) = **10,000 hours**

13. Provide 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 and 14).

There are no capital or start up costs. We estimate that the frequency coordinator accepting the registration expenses would be:

Total Annual Costs: $50 per hour x 2,500 respondents x 4 hours = **$500,000**.

The expense would include reviewing the registration submissions and entering them into a database, and expenses for computer cost. These expenses are recovered through fees paid by the respondents.

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 is no annual cost to the Federal Government.

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.

The collection of information is intended to ensure compliance with applicable Commission rules. The data will not be published.

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.

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

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

There are no exceptions to the certification statement identified in Item 19 of the OMB Form 83-I

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

This information collection does not employ statistical methods.