

SUPPORTING STATEMENT

A. Justification:

The Federal Communications Commission ("Commission") is requesting that the Office of Management and Budget (OMB) approve a three-year extension of OMB Control No. 3060-1063 (delegated authority collection) titled, "Global Mobile Personal Communications By Satellite (GMPCS) Authorization, Marketing and Importation Rules." There are no changes in reporting requirements, respondents, burden hours and/or costs.

Background

Radio-frequency (RF) devices are imported into the United States from foreign countries on a daily basis. RF devices are capable of causing harmful interference to radio and satellite systems in the United States. In addition to Global Mobile Personal Communications by Satellite (GMPCS) devices, RF devices include television receivers, microwave ovens, and virtually any product containing a computer microprocessor, computers, computer peripherals and video games.

The Federal Communications Commission ("Commission") has the regulatory authority under Section 302 of the Communications Act of 1934, as amended, to prevent radio-emitting devices that do not meet the standards it prescribes for prevention of interference from being placed on the market in the United States. Specifically, subsection 302(a) provides that the Commission may adopt regulations pertaining to the interference potential of radio-frequency devices that apply to manufacture, importation, sale, offer for sale, or shipment of such devices. Subsection 302(b) prohibits the manufacture, importation, sale, offer for sale, or shipment of devices that do not comply with such FCC regulations. The Commission's principal rule pertaining to importation is stated in Subsection 2.1204(a): devices subject to mandatory equipment authorization under Part 2 may be imported only if they have been so authorized, and devices not subject to such an equipment authorization requirement may be imported if they meet all applicable technical and administrative requirements in the Commission's rules.

Rulemaking

On November 18, 2003, the Commission released a Second Report and Order, "In the Matter of Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements; Petition of the National Telecommunications and Information Administration to Amend Part 25 of the Commission's Rules to Establish Emission Limits for Mobile and Portable Earth Stations Operating in the 1610-1660.5 MHz Band," IB Docket No. 99-67, FCC 03-283.

In this Order, the Commission adopted rules and policies pertaining to portable GMPCS transceivers, which include satellite telephones and other portable transceivers operated by end users for communication via direct radio links with satellites. GMPCS devices are used for both voice and data communication and may be used for internet access or other modes of broadband

communication. The Commission adopted rules pertaining to test-based equipment authorization, importation either for commercial purposes or personal use, responsibility for unauthorized operation, and out-of-band emissions.

The Commission adopted a rule that will require interested parties to obtain equipment authorization pursuant to the certification procedure in Part 2 of the Commission's rules. The Part 2 certification procedure requires submission of the "Application for Equipment Authorization" (FCC Form 731) and exhibits to the Commission, including test data showing that a representative sample unit of the devices that would be covered by the certification meets the Commission's applicable technical requirements. Each device subject to certification must be etched, engraved, or permanently labeled with an identification number, preceded by the term "FCC ID." Devices subject to this requirement may not be sold or leased, offered for sale or lease, or imported, shipped, or distributed for sale or lease in the United States prior to grant of a pertinent certification application. The requirement applies to devices imported, sold, leased, shipped, or distributed after November 19, 2004. This new certification requirement for portable GMPCS transceivers helps to prevent interference, reduce radio-frequency ("RF") radiation exposure risk, and make regulatory treatment of portable GMPCS transceivers consistent with treatment of similar terrestrial wireless devices, such as cellular phones.

Beginning on November 19, 2004, applicants are required to file the "Application for Equipment Authorization" (FCC Form 731) with the Commission. (Note: FCC Form 731 is approved by the OMB under OMB Control Number 3060-0057). Additionally, applicants must file the "Statement Regarding the Importation of Radio Frequency Devices Capable of Harmful Interference, (FCC Form 740) with the U.S. Customs. Upon request, the U.S. Customs provides information to the Commission with regard to the importation of radio frequency devices that may cause harmful interference to telecommunications services in the United States. (Note: FCC Form 740 is approved by the OMB under OMB Control Number 3060-0059). The information collections, 3060-0057 and 3060-0059, are managed by staff in the Commission's Office of Engineering and Technology (OET).

The Commission revised several rule provisions to place appropriate legal responsibility for unauthorized transceiver operation on the parties that control access to GMPCS networks and to eliminate redundant information-filing requirements. The Commission streamlined the application requirements so that service providers are not required to notify the Commission of the placement in service of new transceivers that are operable within the existing terms of their GMPCS blanket licenses and are electrically identical to devices previously operated under those licenses. Section 25.118 was amended to eliminate the notice requirement for such changes. Additionally, service providers are not required to routinely submit information in blanket license applications for GMPCS transceivers pertaining to compliance with operating requirements that can be demonstrated by transceiver testing required for equipment certification. The rules were amended to eliminate requirements to submit such redundant compliance showings in blanket license applications.

Furthermore, the Commission adopted new rules that allow foreign travelers to carry up to three GMPCS transceivers that have not been certificated under Part 2 into the United States as personal effects. Travelers may lawfully operate such uncertificated transceivers in this

country if such operation is authorized under a blanket earth-station license issued by this Commission to a satellite service provider. These policies are in accordance with recommendations for regulatory policies to facilitate global circulation of GMPCS transceivers that delegates from the United States and many other countries endorsed under the auspices of the 1996 World Telecommunication Policy Forum.

In addition to adopting rules pertaining to equipment authorization and importation of portable earth-station transceivers, the Commission amended the rule section that prescribes limits on emissions from Mobile Satellite Service transceivers in the 1559-1610 MHz band. In light of comments filed in response to a Further NPRM released in 2004, the Commission prescribed several additional limits on such out-of-band emissions, specified measurement techniques, and set compliance deadlines for Inmarsat maritime transceivers. These rule changes result in improved interference protection for aeronautical radio-navigation.

The rule sections applicable to this information collection are Title 47 CFR Sections 1.1307, 2.1033, 2.1204, 25.118, 25.129, 25.132, 25.135, 25.136, 25.138, and 25.216.

The Commission has authority for this information collection pursuant to Sections 4(i), 301, 302(a), 303(e), 303(f), 303(g), 303(n), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. § 4(i), 301, 302(a), 303(e), 303(f), 303(g), 303(n), 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. The Commission requires interested parties to obtain equipment authorization pursuant to the certification procedure in Part 2 of the Commission's rules. The Part 2 certification procedure requires submission of an application (FCC Form 731) and exhibits to the Commission, including test data showing that a representative sample unit of the devices that would be covered by the certification, meets the Commission's applicable technical requirements. The requirement applies to devices imported, sold, leased, shipped, or distributed after November 19, 2004. The purpose of this information collection is to establish a certification requirement for portable GMPCS transceivers to prevent interference, reduce radio-frequency ("RF") radiation exposure risk, and make regulatory treatment of portable GMPCS transceivers consistent with treatment of similar terrestrial wireless devices, such as cellular phones.

3. This information collection involves two applications: (1) Application for Equipment Authorization (FCC Form 731) that is filed with the Commission and (2) Statement Regarding the Importation of Radio Frequency Devices Capable of Harmful Interference (FCC Form 740) that is filed with U.S. Customs. It is estimated that 100 percent of applicants file the FCC Form 731 on the Commission's Office of Engineering and Technology (OET) Laboratory Division Electronic Filing Site. It is estimated that 100 percent of applicants file the FCC Form 740 on the U.S. Customs' Automated Broker Interface.

Application for Equipment Authorization (FCC Form 731)

The Form 731 and exhibits are submitted electronically to the Commission or on paper if the applicant requests a special waiver. In addition, applicants may, at their discretion, submit requests for equipment authorization to Telecommunications Certification Bodies (TCB's), which act on behalf of the Commission in issuing grants of authorization to market certain types of equipment. Equipment authorization applicants are generally individuals or companies that are on the cutting edge of technology and are, therefore, well equipped to make maximum use of electronic media and the Internet to file an application with the Commission. The FCC has determined that electronic submission of applications is the most efficient means of facilitating data base development, corresponding with an applicant, providing information on application status, and providing information on authorized equipment to the general public. Approximately 100 percent of all FCC Form 731's are filed electronically with the Commission on the OET Laboratory Division Electronic Filing Site. (Note: Please reference OMB Control Number 3060-0057).

Statement Regarding the Importation of Radio Frequency Devices Capable of Harmful Interference (FCC Form 740)

The Commission allows electronic filing of required declaration information directly to the U.S. Customs using their Automated Broker Interface. U.S. Customs provides information to the Commission. It is estimated that approximately 100 percent of applicants use the U.S. Customs' electronic filing system. (Note: Please reference OMB Control Number 3060-0059).

4. The information in this collection is not duplicated elsewhere and similar information is not available. Please note that the FCC Form 731 is approved under OMB Control Number 3060-0057 and FCC Form 740 is approved under OMB Control Number 3060-0059. However, the information collections include all filings of FCC Forms 731 and 740 rather than only filings of applications specifically related to GMPCS devices. Furthermore, the rule sections referenced in this information collection, including Sections 25.129(a), 25.129(c), 25.129(d) and 25.132, were not included under OMB Control Numbers 3060-0057 and 3060-0059. In 2004, FCC Form OMB 83c's were filed with the OMB to increase the number of respondents by 19 respondents for both OMB Control Numbers 3060-0057 and 3060-0059.

5. To obtain authorization required under the rules for importation, distribution, or sale of portable, land-based earth-station transceivers, test data must be submitted to prove that the devices meet pertinent technical requirements in the Commission's rules. Because such testing would be necessary in any event to ensure that the devices can be lawfully operated in compliance with existing rule requirements, the Commission does not believe that the requirement to submit test data will have a significant adverse economic impact on anyone. The Commission is postponing the effective date of the authorization requirement for one year, moreover, to afford adequate time in advance for obtaining such authorization and for disposing of uncertificated devices in current inventories. Therefore, the Commission certifies that the equipment authorization requirement established by this R&O will not have significant economic impact on a substantial number of small entities.

6. The Commission is requiring that applicants obtain authorization for the equipment by submitting an application and exhibits, including test data. If the Commission did not obtain

such information, it would not be able to ascertain whether the equipment meets the FCC's technical standards for operation in the United States. Furthermore, the data is required to ensure that the equipment will not cause catastrophic interference to other telecommunications services that may impact the health and safety of American citizens.

7. The collection of information will not be conducted in any manner known to be inconsistent with the guidelines stipulated in 5 C.F.R. 1320.6.
8. On November 29, 2006, the Commission published a 60-day notice in the Federal Register (71 FR 69121) to solicit comments from the public. The comment period ended on January 29, 2007. No comments were received from the public.
9. The Commission will not provide any payment or gift to respondents for fulfilling their information collection requirements.
10. The Commission does not provide assurances of confidentiality to entities submitting their filings to the Commission. However, entities may request confidential treatment of their applications and filings under 47 C.F.R. 0.459 of the Commission's rules. With regard to certifications filed pursuant to Part 2 of the Commission's rules, parties receive minimal exemption from the Freedom of Information Act (FOIA).
11. The collection does not ask questions of a sensitive nature.
12. The respondents include a total of 19 entities: nine (9) satellite service providers and ten (10) equipment manufacturers that manufacture GMPCS equipment outside of the United States.

Application for Equipment Authorization (FCC Form 731)

19 respondents X 24 hours = 456 annual burden hours

Statement Regarding the Importation of Radio Frequency Devices Capable of Harmful Interference (FCC Form 740)

19 respondents X 1.400 hours = 26.60 rounded to 27 annual burden hours

456 (FCC Form 731) + 27 (FCC Form 740) = 483 annual burden hours

13. The total annual costs burden to respondents or recordkeepers resulting from the collection of information is zero (\$0).
14. Please reference the current OMB 83i and Supporting Statements for OMB Control Numbers 3060-0057 and 3060-0059. There are no Federal government costs associated with this information collection.
15. There are no program changes or adjustments.

16. The data will not be published for statistical use.
17. We do not seek approval to not display the expiration date of OMB approval of the collection.
18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

19. No statistical methods are employed.