

SUPPORTING STATEMENT

A. Justification:

The Commission is revising this information collection in order to obtain the full three-year clearance from OMB.

1. Section 90.155(b) provides that a period longer than 12 months may be granted to local government entities to place their stations in operation on a case-by-case basis upon a showing of need. This rule provides flexibility to state and local governments. An application for extension of time to commence service may be made on FCC Form 601. Extensions of time must be filed prior to the expiration of the construction period. Extensions will be granted only if the licensee shows that the failure to commence service is due to causes beyond its control.

The Commission is revising this IC to add Section 90.155(d): In 1995, via a *Report and Order* in PR Docket No. 93-61; FCC 95-41, published at 60 FR 15248, the Commission established construction deadlines for Location and Monitoring Service (LMS) licensees in the MTA-licensed multilateration LMS services. On July 8, 2004, the Commission adopted a *Report and Order* under WT Docket Nos. 02-381, 01-14, and 03-202; FCC 04-166, published at 69 FR 75144, that amended § 90.155(d) to provide holders of multilateration location service authorizations with five- and ten-year benchmarks to place in operation their base stations that utilize multilateration technology to provide multilateration location service to one-third of the Economic Area's (EA's) population within five years of initial license grant, and two-thirds of the population within ten years. At the five- and ten-year benchmarks, licensees are required to file a map and FCC Form 601 showing compliance with the coverage requirements pursuant to § 1.946 of the Commission's rules. A copy of the rule is attached.

On January 31, 2007, via an *Order on Reconsideration*, and *Memorandum Opinion and Order*, under DA 07-479, the FCC granted two to three additional years to meet the five-year construction requirement for certain multilateration Location and Monitoring Service Economic Area licenses, and extended the 10-year requirement for such licenses two years. A copy of the Order is attached.

The cost and hour burdens for §§ 90.155(g) and (i) are accounted for under IC 3060-0798 and are therefore not reported as part of this information collection.

Statutory authority for this collection of information is contained in Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7) unless otherwise noted.

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

2. These requirements will be used by Commission personnel to evaluate whether or not certain licensees are providing substantial service as a means of complying with their construction requirements, or have demonstrated that an extended period of time for construction is warranted.
3. Wireless Telecommunications Bureau conducted an analysis to insure that improved information technology cannot be used to reduce the burden on the public. This analysis considers the possibility of obtaining and/or computer-generating the required data from existing data bases in the Commission or other federal agencies.
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.
6. Information under § 90.155(b) is collected in response to the needs of the applicant. Information under § 90.155(d) is collected at the five- and ten-year benchmarks only. Less frequent collections are not feasible.
7. Current data collection is consistent with 5 CFR 1320.6.
8. The Commission initiated a 60-day public comment period via a Notice which appeared in the Federal Register on October 12, 2007 (72 FR 58087). No comments were received as a result of the Notice. A copy of the Federal Register Notice is included in this submission to the OMB.
9. Respondents will not receive any payments.
10. There is no need for confidentiality.
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. § 90.155(b) Applicants are required to provide a schedule for completion of various phases of the radio installation along with a showing that the system has been funded. Approximately 1,575 such requests are received each year with an estimated preparation time of 1 hour each, for a total burden of 1,575 hours annually.

§ 90.155(d) According to ULS, there are 4 Multilateral LMS EA-licensees who hold 193

licenses who are required to file a map showing compliance with the coverage requirements. We estimate that LMS EA-licensees will need approximately one hour to meet this requirement via an in-house engineer. Further, we estimate that for the Federal Government, it will take an engineer approximately thirty minutes (.5 minutes) to review these submissions.

1,575 (showing) x 1 hour = 1,575 hours.

193 (map showing) x 1 hour = 193 hours.

Total Annual Hour Burden is: 1,575 + 193 = 1,768 hours.

13. Estimate of cost to respondents:

a. There are no capital or start-up costs.

b. There are no operational or maintenance costs.

14. Estimate of cost to the Federal Government is: \$32,053.84

\$36.26 per hour (GS-12 engineer) x 1,768 (rpts reviewed) x .5 (mins.) = \$32,053.84

15. The Commission is reporting an adjustment decrease due to fewer respondents subject to the reporting requirements under § 90.155(b) and in light of the actual number of filings made. Conversely, the Commission is reporting a program change increase of 193 to account for the reporting requirements under § 90.155(d) (which had not been previously accounted for) under which certain licensees, who at the five-and ten-year benchmarks are required to file a map, showing compliance with the coverage requirements pursuant to § 1.946 of the Commission's rules. As a result, we are reporting a total decrease of -287 hours.

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

17. We do not seek approval to not display the expiration date for OMB approval of the information collection.

18. There were exceptions to Item 19. The Commission used existing estimates when we published the 60 day notice. We have corrected those estimates with the publication of the 30 day notice and the OMB submission entered in ROCIS.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.