SUPPORTING STATEMENT

A. Justification:

1. On September 26, 1997, the FCC adopted a Report and Order, *Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico*, ET Docket No. 96-2, RM-8165, FCC 97-347, which established a Coordination Zone that covers the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra within the Commonwealth of Puerto Rico (The Puerto Rican Islands). The Coordination Zone requires applicants for new and modified radio facilities in various communications services within the Coordination Zone to provide notification of their proposed operations to the Arecibo Radio Astronomy Observatory (Observatory) at the time their applications are submitted to the Commission.

   The Arecibo Radio Astronomy Observatory is part of the National Astronomy and Ionosphere Center and is located near Arecibo, Puerto Rico. The Coordination Zone and notification procedures enable the observatory to receive information needed to assess whether an applicant's proposed operations will cause harmful interference to the observatory's operations and will promote efficient resolution of problems through coordination between applicants and the observatory.

   In accordance with OMB's terms of clearance, the Commission agrees with OMB that voluntary coordination is workable for most amateur radio operations, and is excluding from the Puerto Rico Coordination Zone a large number of amateur stations. However, we also agree with Cornell University, operator of the Observatory, that new amateur beacon and repeater stations for licensees within 10 miles of the Observatory have a significant potential to cause interference to the Observatory, and we find that those amateur operations must be included in the Coordination Zone.[1]

   OMB also "recommends that the Commission not require any additional formal filings for build-outs of Part 2 service boundary areas. Rather the Commission can and should require licensees to work with Cornell University to resolve interference problems. The FCC has permission to require various licensees to file technical information concerning their systems with the Observatory directly, but should encourage licensees to work out a coordination process among themselves."

   The Commission is not adopting notification requirements for applicants for mobile or temporary base stations in land mobile radio services, including Part 22, but is including permanent base stations in such services in the Coordination Zone. Within the Coordination Zone, applicants in affected services are required to submit the technical parameters of the proposed service or modifications to an existing service. The FCC has found this requirement to be minimally burdensome.

   With respect to OMB's recommendation that "the FCC should serve as an adjudicator of last resort," the Commission instructed Cornell University to develop interference guidelines to

[1] The Commission notes that although there may be an individual amateur radio operator or experimental user who might notify the Observatory of his/her proposed operations, even in this instance, the reason for notifying the Observatory is that a new service will be operating, rather than notifying the Observatory that a particular individual will be using that service.

service applicants so that applicants may consider protection to the Observatory in the early design stage of radio facilities. Should a dispute arise between the Observatory and the applicant regarding whether the applicant has made a reasonable effort to avoid interference to the Observatory, the applicant may refuse to pay for any modifications or upgrades recommended by the Observatory and permit the Commission to resolve the dispute. To date the FCC has not received any request to serve as "adjudicator of last resort."

The collection is authorized under Sections 4(i), 303(c), 303(f), 303(g), 303(r) and 309(j)(13) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 303(c), 303(f), 303(g), 303(r), and 309(j)(13).

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 information collected is used to facilitate coordination between the Observatory and Commission-licensed services in the Commonwealth of Puerto Rico. Applicants for new or modified radio communication facilities within the Coordination Zone are required to submit technical information concerning the applicant's proposed services to enable the Observatory to determine the potential for interference with its operations. The Observatory will perform interference evaluations at no cost to the applicants. If potential interference problems are identified, applicants are required to make reasonable attempts to resolve or mitigate such problems in order to protect the Observatory.

3. The Commission believes that approximately 80% of these applicants file their notification requirements electronically, electronically both to the Observatory and to the Commission, with the remaining 20% choosing to file paper applications. Applicants for amateur radio licenses currently file their applications with the Commission, but are not required to provide the Observatory with a copy. Applicants may file electronically if they choose to do so, and such electronic filing may reduce the paperwork burden.

4. As a "third party disclosure" requirement, some duplication of effort may be involved for applicants; however, reasonable efforts are necessary to satisfy the interference concerns of the Observatory.

5. The collection of information will not have a significant economic impact on a substantial number of small entities. The Report and Order imposes only a minor paperwork burden as a result of this notification requirement. In those instances where interference is found by the Observatory to be likely, the FCC believes that the potential burden on the applicants to modify their applications in order to avoid interference is justified as necessary for protecting the Observatory's operations. The Commission also believes that the burden on applicants has been minimized by instituting electronic filing.

6. If the collection were not conducted, the Observatory would have to continue to check Commission public notices to learn of potential new facilities in the Puerto Rican Islands, a procedure that is burdensome and not foolproof. On the other hand, requiring applicants to notify the Observatory will not be burdensome for most applicants in light of the necessary protection issues, as noted above. Furthermore, the Observatory has volunteered to perform interference analyses at no cost to the applicants. In addition, the Commission believes that a Coordination Zone will facilitate cooperation between the Observatory and Commission applicants.

7. There are no special circumstances required for this collection.

8. The FCC published a 60 day notice in the Federal Register on September 13, 2007 (72 FR 52372). We received no comments following publication. A copy of the notice is included in this submission to the OMB.

9. Respondents will not be receiving any payment.

10. Respondents will not be required to provide any confidential information.

11. No sensitive information is required for this collection.

12. Based on an analysis of the authorizations granted in Puerto Rico, the FCC estimates that 200 entities per year are applying for 1,000 frequency assignments as licensees (respondents) in the Coordination Zone. We also estimate that copies of approximately 90% (900) of these applications are filed electronically with the Observatory.

    The time required for electronic filing is estimated to be 5 minutes per transaction (0.0833 hours) for a total annual burden of 75 hours annually:

    0.0833 hours x 900 **= 75 hours**

    We estimate that copies of the remaining 10% (100) of the applications will be paper filed with the Observatory.

    In this latter case, the applicant will generally photocopy his/her application and mail the photocopy to the Observatory. The estimated time to copy and mail each application will be 40 minutes (0.667 hours) for a total annual burden of 67 hours:

    0.667 hours x 100 **= 67 hours**

    Total Number of Respondents: 200.

    Total Annual Hourly Burden: 75 + 67 = **142 hours**

    We note that the annual hourly burden per respondent will vary depending on the number of applications filed by each respondent and whether the application is filed electronically or on paper.

    However, for the general purpose of this form, we will assume equal distribution of the burden over the 200 entities (respondents) applying for frequency assignments:

    142 total annual burden hours divided by 200 entities = 0.71 hours per entity (respondent).

    Assuming a clerical cost of $10 per hour, the total annual "in house" cost burden per respondent is **$7.10 per year.**

    The cost for 200 respondents to convey information to the Observatory is estimated at $10 per hour for clerical personnel, with a time of 0.71 hours (43 minutes) per entity (respondent):

Total Annual "In House" Cost: 200 respondents x $7.10 per year = **$1,420**

13. (a) Total Annualized Capital/Startup Costs: None

    (b) Total Annual Costs (O&M): None

    (c) Total Annualized Cost Requested: **None**

14. There will be no additional cost to the Federal Government unless there is a dispute between the parties that cannot be resolved. The Observatory has volunteered to perform interference evaluations at no cost to the applicants, and potential interference problems are identified, applicants would be required to work with the Observatory in order to resolve them.

15. The Commission has adjusted the information collection based on the reduction of the number of respondents and the hourly burden.

16. This information collection will not be published.

17. The expiration date for OMB approval will be displayed.

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

B. Collection of Information Employing Statistical Methods:

This information collection does not employ any statistical methods.