

## SUPPORTING STATEMENT

### A. Justification:

1. *Background:* On May 3, 2001, the Federal Communications Commission (“the Commission”) adopted a *Notice of Proposed Rulemaking (NPRM)* in the matter of the Year 2000 Biennial Review. The *NPRM* proposed to amend Part 22 of the Commission’s rules to modify or eliminate regulations that have become outdated as a result of technological change, and increased competition in the Commercial Mobile Radio Services (CMRS). Subsequently, on August 8, 2002, the Commission adopted a *Report and Order*, and on September 10, 2002, adopted a *Second Report and Order* modifying and/or eliminating various rules that cover the Cellular Radiotelephone and other services under Part 22 which have become outdated due to supervening rules, technological change, or increased competition among providers of CMRS. Specifically, the Commission amended its rules to modify the requirement that cellular carriers provide analog service compatible with Advanced Mobile Phone Service (AMPS) specifications by establishing a five-year transition period after which the analog standard will not be required, but may still be provided.

With respect to this submission, on February 12, 2004, the Commission released an *Order on Reconsideration* in WT Docket No. 01-108, FCC 04-22 (attached) in which it affirmed much of the conclusions made in the *Report and Order*. The Commission, however, reconsidered and adopted a proposal to permit existing cellular radiotelephone licensees to extend into adjacent unserved areas of less than fifty (50) square miles on a secondary basis without modifying their existing cellular geographic service area. Section 1.929 of the rules provides that an application or amendment is classified as minor or major. A carrier seeking to extend into adjacent unserved area must generally seek approval from the Commission by filing a major modification. Pursuant to the *Order on Reconsideration*, a carrier that seeks to extend into adjacent unserved area on a secondary basis need only file a minor amendment.

Pursuant to the February 12, 2004 *Order on Reconsideration*, a cellular licensee seeking to extend, on a secondary basis, into any adjacent unserved area of less than fifty (50) square miles must:

- a. Indicate on the FCC Form 601, Main Form, Item 7, that it is filing a minor amendment; and
- b. Submit Schedules D and F of the FCC Form 601.

Pursuant to *Appendix E* of the 1998 ULS Report and Order in WT Docket Nos. 98-20, 96-188, the information requested in this collection (see Attachment A for specific rules imposing burdens) provides the Commission with information to determine the legal, technical and other qualifications of applicants to operate a station in the Public Mobile Services.<sup>1</sup> The information is also used to determine whether grant of an application will serve the public interest, convenience and necessity. The staff uses the information to ensure that applicants and licensees comply with ownership and transfer restrictions.

Finally, as previously reported in 2004, the Commission has eliminated the information collection requirements in Sections 22.130 and 22.353, and included Sections 1.949, 1.955, 1.957 and 22.946(a).

As noted on the Form OMB 83-I, a portion of this information collection does affect individuals or households in the Amateur Radio Service. Thus, this collection is impacted by the Privacy Act<sup>2</sup>. The FCC's Wireless Telecommunications Bureau (WTB) maintains Internet software used by the public<sup>3</sup> to apply for licenses, participate in auctions for spectrum, and maintain license information.

The Commission has a System of Records, FCC/WTB-1, "Wireless Services Licensing Records," which covers the personally-identifiable information (PII) that individual applicants may include in their submissions for licenses or grants of equipment authorization.<sup>4</sup> At such time as the Commission revises this System of Records Notice (SORN), the Commission will conduct a Privacy Impact Assessment (PIA) and publish the revised SORN in the *Federal Register*. In addition, the Commission will post a copy of both the PIA and the SORN on the FCC's Privacy webpage.

Statutory authority for this collection of information is contained in 47 U.S.C. § 151(i), 154(j), 303, 308, 309 and 310 of the Communications Act of 1934, as amended.

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<sup>1</sup> Appendix E of the ULS Report and Order make available the ULS Rules Conversion Chart which converts some of the Part 22 rules to Part 1, and removes other rules which are redundant, inconsistent, or unnecessary.

<sup>2</sup> OMB Memorandum M-03-22, Memorandum for Heads of Executive Departments and Agencies, *OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002*, September 26, 2003.

<sup>3</sup> The public includes individuals or households for purposes of the Privacy Impact Assessment, under the System of Records, WTB-1, Wireless Services Licensing Records. These include individuals who require help and/or password requests using the ULS, ASR, CORES and related systems and subsystems. Individuals include amateur licensees and individuals representing another person or licensee.

<sup>4</sup> The system of records notice (SORN) for FCC/WTB-1, "Wireless Services Licensing Records," was published in the Federal Register on April 5, 2006, see 71 FR 17234, 17269. The SORN may also be viewed at <http://www.fcc.gov/omd/privacyact/records-systems.html>

2. The information collected pursuant to rules in Part 22 of the Commission's rules is primarily used by Commission staff to determine, on a case-by-case basis, whether or not to grant licenses authorizing construction and operation of wireless telecommunications facilities to telecommunications common carriers, who supply this information when applying for such licenses. Additionally, the information is sometimes used by Commission staff to develop statistics about the demand for various wireless telecommunications licenses and about the performance of the licensing process itself, and on occasion for rule enforcement purposes. Because all application information is routinely and normally made public, interested persons, particularly licensees and their representatives, often review this information as it becomes available in order to determine whether they believe that the wireless telecommunications facilities proposed by applicants would affect any existing or planned wireless telecommunications facilities in which they have an interest. If an adverse effect is anticipated, such parties often use the information to help them prepare pleadings opposing a Commission grant of particular application(s).
3. Prior to finalizing rule makings, the Wireless Telecommunications Bureau conducts an analysis to insure that improved information technology can be used to reduce the burden on the public. This information will be collected via an electronic form posted on the FCC Internet site. This will be the only means of collecting this information. No paper forms will be available for submitting requests to the WTB for support. This form is replacing free form e-mails submitted to the WTB Support Center for help. Electronic submission of these requests from the web site using a standardized form will speed delivery of service and relieves FCC staff from manually processing and tracking e-mail.
4. This agency does not impose a similar collection on the respondents. No similar information is 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 that absolutely necessary for evaluating and processing the application and to deter against possible abuses of the processes.
6. Collecting this information electronically will enable the Commission staff to execute the application and licensing process for wireless telecommunications facilities faster, and increase the time of response to questions, problems and/or difficulties experienced by auctions and licensing customers, when using the FCC's electronic filing systems. To collect this information otherwise would dramatically slow the processing of applications and licensing decisions.
7. Current data collection is consistent with 5 C.F.R. § 1320.6.
8. The public has been given the appropriate amount of time to comment on this information collection as required by 5 C.F.R. § 1320.8, via publication of the

Notice in the Federal Register on October 12, 2007 at 72 FR 58087. No comments in this proceeding were filed. A copy of the notice is included in this submission to the OMB.

9. Respondents will not receive any payments.
10. There is a need for confidentiality with respect to all Amateur Radio Service filers in this collection. Pursuant to § 208(b) of the E-Government Act of 2002, 44 U.S.C. § 3501, in conformance with the Privacy Act of 1974, 5 U.S.C. 552(a), the Wireless Telecommunications Bureau (Bureau) instructs licensees to use the FCC's Universal Licensing System (ULS), Antenna Structure Registration (ASR) Commission Registrations System (CORES) and related systems and subsystems to submit information.<sup>5</sup> CORES is used to receive an FCC Registration Number (FRN) and password, after which one must register all current call sign and ASR numbers associated with a FRN within the Bureau's system of records (ULS database). Although ULS stores all information pertaining to the individual license via the FRN, confidential information is accessible only by persons or entities that hold the password for each account, and the Bureau's Licensing Division staff. Upon the request of a FRN, the individual licensee is consenting to make publicly available, via the ULS database, all information that is not confidential in nature.
11. This collection does not address any private matters of a sensitive nature. As noted above in Question 1, this information collection may affect individuals or households. Any personally identifiable information that is submitted by individuals is covered by a SORN, WTB-1, "Wireless Services Licensing Records."
12. *Respondent Burden:* Approximately 44,127 respondents<sup>6</sup> will file per year, with a response time ranging from 15 minutes to 40 hours for a total burden of 62,835 hours. This estimate also includes estimates for the annual recordkeeping requirements which will be performed by in-house Administrative Assistants equivalent to the GS-9/5 level.

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<sup>5</sup> These instructions have been approved by the Office of Management and Budget (OMB) under Control Number 3060-1042.

<sup>6</sup> The number of respondents has been averaged out over a three-year period in order to calculate the annual cost and hour burdens.

The reporting and record-keeping requirements are:

<b>Section</b>	<b>Respondents</b>	<b>Hours Per Response</b>	<b>Total Hours</b>
1.913		Burden calculated under 3060-0798.	
1.913(d)-(g)		Burden calculated under 3060-0798.	
1.919	1,917	.25 (2 responses)	958.5
1.923	2,012	1	2,012
1.924	2,093	1	2,093
1.925	45	1	45
1.927	312	20	6,240
1.929	183	1	183
1.931	62	1	62
1.934	188	1	188
1.935	Over the last 3 years, we received less than 10 requests per year for withdrawal of mutually exclusive applications or pleadings related to a request for approval of settlement agreement.		
1.945	2,726	2	5,452
1.946	516	.084	43
1.948	556	.50	278
1.948(h)	330	1	330
1.949	135	.50	68
1.955	152	.50	76
1.956	Over the last 3 years, we've participated in less than ten settlement conferences per year.		
1.957	21,000	1	21,000
1.981	1	.50	0.50
22.1	4,150	1	4,150
22.107		Burden calculated under 3060-0798.	
22.150	40	10	400
22.157	520	1	520
22.161		Burden is met in § 22.567.	
22.165	520	1	520
22.221(b)		Burden calculated under 3060-0798.	
22.303*	520	1	520
22.313	133	1	133
22.313*	200	.50	100
22.317	408	.50	204
22.321	800	2	1,600
22.321*	800	10	8,000
22.371	12	1	12
22.409	12	13	156

\* These rule sections necessitate a record-keeping burden.

22.411 Over the last 3 years, there were no developmental authorizations issued for 43 MHz paging transmitters.

22.413(b)(1)		Burden calculated under 3060-0798.	
22.415	10	2	20
22.417		Burden calculated under 3060-0798.	
22.503(k)(1)		Burden calculated under § 1.946.	
22.507		Burden calculated under § 1.949.	
22.529	420	3	1,260
22.539	20	.50	10
22.551	3	.50	1.5
22.559	3	2 (2 responses)	12
22.567	18	1	18
22.577	8	.50	4
22.589	735	2	1,470
22.601		Burden calculated under § 22.150.	
22.603		Burden calculated under § 22.150.	
22.621	3	1	3
22.623	3	.25	0.75
22.625	3	1	3
22.655	10	2 (4 responses)	80
22.657	2	2	4
22.709	10	3	30
22.711	10	1	10
22.719	3	2	6
22.803	7	2	14
22.865	3	1	3
22.869	4	1	4
22.873	3	.50	1.5
22.875	4	40	160
22.907	3	.50	1.5
22.911	3	10	30
22.929	1,144	2	2,288
22.935	Less than 10 licensees/year affected for the last 3 years.		
22.935(b)	“	“	
22.935(d)	“	“	
22.935(e)	“	“	
22.935(f)	“	“	
22.935(f)	“	“	
22.936	No dismissal applications in cellular proceedings expected at this time.		
22.936(b)	No dismissal applications in cellular proceedings expected at this time.		
22.939	10	2	20
22.940	Less than 10 respondents per year in the last 3 years.		
22.940(b)	Less than 10 respondents per year in the last 3 years.		
22.946(a)	1,041	.50	521
22.947	17	1	17

22.947(c)	183	6	1,098
22.953	100	4	400
22.1037	1	1	1

**Total Number of Respondents: 44,127**

**Total Annual Burden Hours: 62,835**

Of the 44,127 respondents filing information, we estimate that 21,000 (Amateur Radio Service filers) will individually prepare and file their FCC Form 605's via in-house personnel. Of the remaining 23,127 respondents, who we assume will use either an attorney or engineer, we estimate that 25% of them (5,782) will use in-house attorney(s) or engineer(s), and 75% of them (17,345) will contract out these duties @ \$200.00 per hour per filing. We would expect the cost to vary depending on the type of filing made.

13. Respondent Cost:

Section	Respondents	Total Hours	Cost
1.913	Burden calculated under 3060-0798.		
1.913(d)-(g)	Burden calculated under 3060-0798.		
1.919	1,917	958.5	x \$200/hr. = \$ 191,700.00
1.923	2,012	2,012	x \$200/hr. = \$ 402,400.00
1.924	2,093	2,093	x \$200/hr. = \$ 418,600.00
1.925	45	45	x \$200/hr. = \$ 9,000.00
1.927	312	6,240	x \$200/hr. = \$1,248,000.00
1.929	183	183	x \$200/hr. = \$ 36,600.00
1.931	62	62	x \$200/hr. = \$ 12,400.00
1.934	188	188	x \$200/hr. = \$ 37,600.00
1.935	Over the last 3 years, we received less than 10 requests per year for withdrawal of mutually exclusive applications or pleadings related to a request for approval of settlement agreement.		
1.945	2,726	5,452	x \$200/hr. = \$1,090,400.00
1.946	516	43	x \$200/hr. = \$ 8,600.00
1.948	556	278	x \$200/hr. = \$ 55,600.00
1.948(h)	330	330	x \$200/hr. = \$ 66,000.00
1.949	135	68	x \$200/hr. = \$ 13,600.00
1.955	152	76	x \$200/hr. = \$ 15,200.00
1.956	Over the last 3 years, we've participated in less than ten settlement conferences per year.		
1.981	1	0.50	x \$200/hr. = \$ 100.00
22.1	4,150	4,150	x \$200/hr. = \$ 830,000.00
22.107	Burden calculated under 3060-0798.		
22.150	40	400	x \$200/hr. = \$ 80,000.00
22.157	520	520	x \$200/hr. = \$ 104,000.00
22.161	Burden is met in § 22.567.		

22.165	520	520	x \$200/hr. = \$	104,000.00
22.221(b)	Burden calculated under 3060-0798.			
22.313	133	133	x \$200/hr. = \$	26,600.00
22.317	408	204	x \$200/hr. = \$	40,800.00
22.321	800	1,600	x \$200/hr. = \$	320,000.00
22.371	12	12	x \$200/hr. = \$	2,400.00
22.409	12	156	x \$200/hr. = \$	31,200.00
22.411	Over the last 3 years, there were no developmental authorizations issued for 43 MHz paging transmitters.			
22.413(b)(1)	Burden calculated under 3060-0798.			
22.415	2	20	x \$200/hr. = \$	4,000.00
22.417	Burden calculated under 3060-0798.			
22.503(k)(1)	Burden calculated under § 1.946.			
22.507	Burden calculated under § 1.949.			
22.529	420	1,260	x \$200/hr. = \$	252,000.00
22.539	20	10	x \$200/hr. = \$	2,000.00
22.551	3	1.5	x \$200/hr. = \$	300.00
22.559	3	12	x \$200/hr. = \$	2,400.00
22.567	18	18	x \$200/hr. = \$	3,600.00
22.577	8	4	x \$200/hr. = \$	800.00
22.589	735	1,470	x \$200/hr. = \$	294,000.00
22.601	Burden calculated under § 22.150.			
22.603	Burden calculated under § 22.150.			
22.621	3	3	x \$200/hr. = \$	600.00
22.623	3	0.75	x \$200/hr. = \$	150.00
22.625	3	3	x \$200/hr. = \$	600.00
22.655	10	80	x \$200/hr. = \$	16,000.00
22.657	2	4	x \$200/hr. = \$	800.00
22.709	10	30	x \$200/hr. = \$	6,000.00
22.711	10	10	x \$200/hr. = \$	2,000.00
22.719	3	6	x \$200/hr. = \$	1,200.00
22.803	7	14	x \$200/hr. = \$	2,800.00
22.865	3	3	x \$200/hr. = \$	600.00
22.869	4	4	x \$200/hr. = \$	800.00
22.873	3	1.5	x \$200/hr. = \$	300.00
22.875	4	160	x \$200/hr. = \$	32,000.00
22.907	3	1.5	x \$200/hr. = \$	300.00
22.911	3	30	x \$200/hr. = \$	6,000.00
22.929	1,144	2,288	x \$200/hr. = \$	457,600.00
22.935	Less than 10 licensees/year affected for the last 3 years.			
22.935(b)	“	“		
22.935(d)	“	“		
22.935(e)	“	“		
22.935(f)	“	“		
22.935(f)	“	“		
22.936	No dismissal applications in cellular proceedings expected at this time.			



22.936(b)	No dismissal applications in cellular proceedings expected at this time.		
22.939	10	20	x \$200/hr. = \$ 4,000.00
22.940	Less than 10 respondents per year in the last 3 years.		
22.940(b)	Less than 10 respondents per year in the last 3 years.		
22.946(a)	1,041	521	x \$200/hr. = \$ 104,200.00
22.947	17	17	x \$200/hr. = \$ 3,400.00
22.947(c)	183	1,098	x \$200/hr. = \$ 219,600.00
22.953	100	400	x \$200/hr. = \$ 80,000.00
22.1037	1	1	x \$200/hr. = \$ 200.00

**Total Annual Cost Burden is: \$6,643,050**

14. The Mobility Division of the Wireless Telecommunications Bureau is primarily responsible for administering the Public Mobile Radio Service. Hence, the cost to the Federal Government would be the annual personnel budget for the Division. We estimate that the Commission would take an Applications Examiner at the GS 7/5 level, thirty minutes per submission, at a cost of \$19.00 per hour to examine and maintain these submissions.

$$44,127 \text{ (respondents)} \times .5 \text{ (hour)} \times \$19.00 \text{ (Applications Examiner)} = \$419,206.50$$

**TOTAL "ANNUAL" COST TO THE FEDERAL GOVERNMENT IS: \$419,207.00**

15. There is a change in the estimated annual cost burden. The OMB83i and supporting statement in 2004 reported a \$6,643,050 annual cost. However, the OMB desk officer did not include this cost in their system and it was not included in the NOA issued in 2004. With this submission, we are including this cost and reporting it as an adjustment.

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

17. No expiration date will need to be displayed since these requirements are contained in rule sections.

18. There are no exceptions to Item 19.

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

No statistical methods are employed.

## ATTACHMENT A

### Part 1 -- PRACTICE AND PROCEDURE

#### Subpart F – Wireless Telecommunications Services Applications and Proceedings

1.913	Application forms, electronic and manual filing
1.919	Ownership information (Parties to applications)
1.923	Content of applications
1.924	Quiet zones
1.925	Request for rule waivers
1.927	Amendment of applications
1.929	Minor modifications to existing stations
1.931	Application for special temporary authorizations
1.934	Dismissal of applications
1.935	Agreements to dismiss applications, amendments or pleadings
1.945	Grants of applications
1.946	Construction and commencement of service; notification reqmt
1.948	Assignment of authorization or transfer of control, notification of consummation
1.948(h)	Disclosure requirements
1.949	Application for renewal of license
1.955	Termination of authorizations
1.956	Settlement conference
1.957	Procedure with respect to amateur radio operator license
1.981	Reports, annual and semi-annual

### Part 22 – PUBLIC MOBILE SERVICES

#### Subpart A -- Scope and Authority

#### Subpart B – Licensing Requirements and Procedures

22.1	Basis and purpose
22.107	General application requirements
22.150	Standard pre-filing technical coordination procedure
22.157	Distance computation
22.161	Application requirements for ASSB
22.165	Additional transmitters for existing systems
22.221(b)	Eligibility for partitioned licenses

### **Subpart C – Operational and Technical Requirements**

22.303	Retention of station authorizations; identifying transmitters*
22.313	Station Identification*
22.317	Discontinuance of station operation
22.321	Equal employment opportunities*
22.371	Disturbance of AM broadcast station antenna patterns

### **Subpart D – Developmental Authorizations**

22.409	Developmental authorization for a new Public Mobile Service or technology
22.411	Developmental authorizations of 43 MHz paging transmitters
22.413(b)(1)	Developmental authorizations of 72-76 MHz fixed transmitters
22.415	Developmental authorizations of 928-960 MHz fixed transmitters
22.417	Developmental authorizations of meteor burst systems

### **Subpart E – Paging and Radiotelephone Service**

22.503(k)(1)	Paging geographic area authorizations (notification)
22.507	Number of transmitters per station (renewal applications)
22.529	Application requirements for the Paging and Radiotelephone Service
22.539	Additional channel policies (notification)
22.551	Nationwide network paging service
22.559	One-way paging application requirements
22.567	Technical channel assignment criteria
22.577	Dispatch service
22.589	One-way or two-way application requirements
22.601	Assignment of microwave channels
22.603	488-494 MHz fixed service in Hawaii
22.621	Channels for point-to-multipoint operation
22.623	System configuration
22.625	Transmitter locations
22.655	Channel usage
22.657	Transmitter locations

### **Subpart F – Rural Radiotelephone Service**

22.709	Rural radiotelephone service application requirements
22.711	Provision of information to applicants
22.719	Additional channel policy for rural radiotelephone stations

### **Subpart G – Air-Ground Radiotelephone Service**

- 22.803 Air-Ground application requirements
- 22.865 Automatic channel selection procedures
- 22.869 Assignment of control channels
- 22.873 Construction period for commercial aviation air-ground systems (3 & 5 yr. notifications)
- 22.875 Commercial aviation air-ground system application requirements

### **Subpart H – Cellular Radiotelephone Service**

- 22.907 Coordination for channel usage
- 22.911 Cellular geographic service area
- 22.929 Application requirements for the Cellular Radiotelephone Service
- 22.935 Procedures for comparative renewal proceedings
- 22.936 Dismissal of applications in cellular renewal proceedings
- 22.939 Site availability requirements for applications competing with cellular renewal applications
- 22.940 Criteria for comparative cellular renewal proceedings
- 22.946(a) Service commencement and construction systems
- 22.947 Five year build-out period
- 22.953 Content and form of applications

### **Subpart I – Offshore Radiotelephone Service**

- 22.1037 Application requirements for offshore stations