

SUPPORTING STATEMENT

A. Justification:

1. On January 17, 2008, the Federal Communications Commission (Commission) released a Public Notice (included as an attachment in this submission) that established procedures and provided guidance for submission by 800 MHz licensees of requests for waiver of the 800 MHz rebanding deadline. As part of the rebanding process, certain licensees are being relocated to new frequencies in the 800 MHz band, with all rebanding costs to be paid by Sprint Nextel Corporation (Sprint). The Commission's overarching objective in this proceeding is to eliminate interference to public safety communications. The Commission's orders provided for the 800 MHz licensees in non-border areas to complete rebanding by June 26, 2008. Those Orders also adopted various information collection requirements necessary to implement 800 MHz incumbent relocation, which have been approved by OMB (See OMB Control Number 3060-1080). Incumbent licensees may request a waiver of the relocation schedule. The Public Notice at issue here provides licensees guidance on what information they should submit as part of their waiver requests. In the January 17, 2008, Public Notice, the Commission established that any 800 MHz non-border licensee that will require additional time past June 26, 2008 to complete rebanding must request a waiver. The Commission stated that the "guidance contained in this Public Notice is intended to expedite both the preparation and submission of waiver requests by licensees as well as the review of such requests by the Bureau, consistent with the Commission's overarching goal of ensuring that rebanding is accomplished in a reasonable, prudent, and timely manner." Thus the Public Notice seeks to minimize the burden on licensees in preparing waiver requests, while also ensuring that licensees remain cognizant of their obligation to complete rebanding in a timely and efficient manner. The deadlines for filing waiver requests are March 17, 2008, for licensees in Waves 1 and 2 and April 15, 2008, for licensees in Wave 3 and non-border area licensees in Wave 4. Licensees may file interim waiver requests until they can submit a rebanding schedule.

The following areas of inquiry are examples of the information that will be sought concerning public safety systems that are being relocated to new frequencies under the Commission's 800 MHz rebanding program. We encourage licensees that are part of a regional coordination plan or that are otherwise coordinating their rebanding efforts to file coordinated requests as well as individual requests for each member of the regional coordination plan. We recommend that licensees address the following factors in their request: (1) system size and complexity; (2) interoperability with other systems, and how such interoperability will affect the ultimate rebanding schedule; and (3) steps already taken to complete physical reconfiguration, including participation in the Subscriber Equipment Deployment (SED) program and participation in a TA-sponsored regional planning session in its Public Safety Region

(or commitment to participate in such a session). Licensees should provide a proposed timetable that includes the following elements: (1) what steps in the rebanding process have been or will be taken prior to the June 26, 2008 deadline; (2) anticipated dates of commencement and completion of (a) replacement or retuning of mobiles/portables; and (b) infrastructure retuning; (3) the anticipated date(s) that the licensee will commence operations on its post-rebanding channels and stop operations on its pre-rebanding channels; and (4) additional rebanding steps that the licensee must take after commencement of operations on rebanded channels (*e.g.*, removing old channels from radios) and the anticipated date for completion of these steps. The 800 MHz Transition Administrator has developed a template form for licensee use to provide the above information in their waiver requests. To expedite licensee preparation of requests and Bureau review, we recommend that licensees use this template in preparing their requests. Licensees that are unable to propose a specific timetable because they have not executed a Frequency Reconfiguration Agreement (FRA) with Sprint by the applicable deadline for filing a waiver request should file an interim extension request. The interim extension request should (1) state when the licensee anticipates having an FRA and (2) when the licensee anticipates filing a final waiver request that will include a proposed timetable as described above. We also encourage licensees to use a template for interim waiver requests. Attached, we include the templates that licensees may use for waiver requests and interim waiver requests.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The information collected will be used to evaluate the reasonableness of licensee requests for additional time to complete rebanding. The overriding objective of the evaluation that the Commission must undertake is to implement its plan to eliminate interference to public safety communications. The Public Notice recommends that licensees submit specific information about rebanding, including: (1) system size; (2) interoperability relationships; and (3) timeline for completing rebanding.
3. This information collection will make use of electronic collection techniques. It is expected that all respondents will employ electronic correspondence to submit their responses. To further ease the burden imposed by this information collection, respondents are encouraged to make use of template forms create for the purpose of this collection. Those forms are publicly available.
4. This information is not available elsewhere. It is being collected specifically to meet the requirements of the Commission's Orders. This is a unique collection and there is no duplication.
5. In compliance with the Paperwork Reduction Act of 1995, the FCC is making the effort to minimize the burden on all respondents (*e.g.* state and local governments, police, fire, emergency medical services), regardless of size. The Commission has limited the information requested to that which is absolutely necessary to gather

information necessary to comply with the statute. To this end, we do not anticipate an information collection from small business. Although this information collection is required to obtain or retain benefits, the Commission has sought to ease the burden on respondents. Additionally, the Commission has encouraged respondents to use template forms designed for the task of requesting additional time, as well as filing waivers using electronic correspondence.

6. Failure to collect this information will adversely impact the FCC's ability to carry out its congressionally mandated objective to promote public safety communications and its objective to eliminate interference to public safety communications.
7. This is a one to two time information collection. The deadlines for filing waiver requests are March 17, 2008, for licensees in Waves 1 and 2 and April 15, 2008, for licensees in Wave 3 and non-border area licensees in Wave 4. Licensees may file interim waiver requests until they can submit a rebanding schedule. There are no special circumstances that would cause the information collection to be conducted in a manner inconsistent with the criteria set forth in no. 7.
8. The Commission will publish a notice in the Federal Register informing the public that the Commission has requested emergency processing of this information collection by OMB and that the public may submit comments on the collection to OMB and the FCC by **March 12, 2008**. The notice should appear in the Federal Register on **March 7, 2008**.
9. No gifts or payments will be received.
10. We will work with respondents to ensure that their concerns regarding the confidentiality of filings are resolved in a manner consistent with the Commission's rules.
11. The reporting requirement does not address private matters of a sensitive nature.
12. Respondents will provide information primarily through e-mail correspondence.

Total Burden Hours to collect this information is as follows:

780 Respondents

1080 Total Responses = 300 interim waiver responses at 30 minutes and 300 final waiver responses at 1 hour. 480 waiver responses at 1 hour.

Total Annual Hours Burden = (300 interim waiver requests x 30 minutes per request) + (300 final waiver requests x 1 hour per request) + (480 waiver requests x 1 hour per request) = 930 hours total.

Cost to Respondents = 930 hours x \$35 average hourly wage of person supplying information = \$32,550.

13. We believe most respondents will file waiver requests without the assistance of outside counsel. However, we estimate that up to 10% of respondents may choose to hire outside counsel to prepare their waiver requests. We estimate those respondents will incur the following additional costs:

78 respondents (10% of 780) x \$200 per hour for outside counsel x average of 4 hours charged to each respondent by outside counsel = \$62,400.

Because Sprint is responsible for paying the costs of band reconfiguration, including the filing of requests for waiver of the June 26, 2008, deadline, the costs to respondents in completing the template and filing requests via electronic correspondence or in hiring outside counsel to supply the requested information will be reimbursed by Sprint.

14. To review the 1080 responses will require approximately 2 hours of analysis and review per waiver. The Commission anticipates that of those 2160 hours will be performed by staff at the GS 15 level. Thus the total cost is 2160 x \$ 61.69 = \$133,250.
15. This is a new collection that will result in a program change increase of 930 burden hours.
16. We do not intend to publish this information for statistical use.
17. We do not seek approval not to display the expiration date for OMB approval of the information collection.
18. There were no exceptions to Item 19 on OMB Form 83i.

B. Collections of Information Employing Statistical Methods:

This information collection does not employ any statistical methods.