



Federal Communications Commission
Washington, D.C. 20554

OFFICE OF
MANAGING DIRECTOR

March 4, 2008

Mr. Kevin F. Neyland
Deputy Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Neyland:

The Federal Communications Commission requests clearance under the “emergency processing” provisions of 5 C.F.R. § 1320.13 for the information collection described in the attached documents. On March 3, 2008, OMB agreed via e-mail message that the Commission may submit this emergency processing request. We request approval of this collection by March 14, 2008.

I am requesting emergency processing because, as described below, this collection of information is vital to eliminating interference to Public Safety communications. This request for emergency processing is consistent with Section 5 C.F.R. § 1320.13(a)(2)(iii) of OMB regulations, which states that requests for emergency processing shall be accompanied by a written determination that the agency cannot reasonably comply with the normal clearance procedures because doing so is likely to prevent or disrupt the collection of information.

BACKGROUND:

On January 17, 2008, the Federal Communications Commission (Commission) released a Public Notice (Public Notice) 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 orders provide 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 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 of the deadline from the Public Safety and Homeland Security Bureau (Bureau). 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.

To ease the information collection burden on incumbents and promote an orderly process for reviewing such waivers, the Public Notice establishes procedures for electronically filing waivers and recommends that licensees address specific factors in their requests. To expedite the filing of waivers, the Commission encouraged licensees to use the template form that the 800 MHz Transition Administrator developed for licensee use to provide the recommended information in their waiver requests. In order to avoid the filing of waiver requests on or shortly after June 26, 2008, the Public Notice established deadlines for licensees to file waiver requests. Under these filing deadlines, Wave 1 and Wave 2 licensees must file waiver requests by March 17, 2008 and Wave 3 licensees and non-border licensees in Wave 4 must file waiver requests by April 15, 2008. Licensees may file interim waivers until they can submit rebanding schedules.

The Commission will need to collect information from a number of public safety licensees (state and local governmental entities, police, fire, and emergency medical services). The Commission seeks to collect this information primarily through e-mail. The Commission cannot comply with the normal clearance procedures set forth in 5 C.F.R. § 1320, because the use of normal clearance procedures is likely to prevent the timely collection of information essential to the timely completion of 800 MHz rebanding required by the Commission's Orders. The information collection for which we seek OMB emergency approval is vital to the Commission's statutory obligation to promote public safety communications and is consistent with information collection requirements that OMB previously approved for relocating 800 MHz incumbents in this proceeding.

FCC staff is ready to work with your PRA Desk Officer to immediately provide any additional information needed to assure OMB's approval of this emergency request by Friday, March 14, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read "Mindy J. Ginsburg". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Mindy J. Ginsburg
Deputy Managing Director