

SUPPORTING STATEMENT

A. Justification:

1. Pursuant to the Balanced Budget Act of 1997, the Commission reallocated 24 megahertz of electromagnetic spectrum in the 700 MHz band (764-776/794-806 MHz) to ensure the efficient and effective use of that spectrum to meet the Nation's critical public safety communications needs. In this connection, the Commission established a communications framework relying on regional planning committees for the development of plans to utilize available frequencies in ways that best meet the needs of public safety agencies at the local, State and regional levels. Specifically, the Commission requires planning committees made up of representatives from the public safety community to submit regional plans for the 700 MHz band. Preparation of these regional plans imposes some burden, both on the eligible entities that make their needs known, and on the planners who seek to accommodate them. The Commission adopted national standards for the operation and use of the spectrum allocated for nationwide interoperability. In the 700 MHz band, the Commission requires that (1) non-governmental organizations be authorized by state or local agencies; (2) regional planning committees submit spectrum allocations for Commission review and approval prior licensing of general use narrowband channels, and (3) applicants meet TV/DTV protection criteria and requirements until the DTV transition date. To facilitate the shared use of the 4.9 GHz band, the Commission also suggested that each 700 MHz regional planning committee submit a plan on guidelines to be used for sharing the 4.9 GHz band within each region. The specific rules sections for which we seek continued OMB approval are:

47 C.F.R. § 90.523 - Eligibility. Requires that nongovernmental organizations, which provide services to protect the safety of life, or property, to obtain a written statement from an authorizing state or local government entity to support the nongovernmental organization's application for the assignment of 700 MHz frequencies.

47 C.F.R. § 90.527 - Regional plan requirements. To prepare the regional plans for the 700 MHz band, the regional planning committees will require input from those entities within their regions that will be eligible to receive licenses under the plans. Entities that seek inclusion in the plan in order to obtain licenses will be third party respondents.

47 C.F.R. § 90.545(c)(1) - TV/DTV interference protection criteria. Requires public safety applicants to select one of three ways to meet TV/DTV protection requirements: (1) utilize geographic separation table in the rule; (2) submit an engineering study to justify other separations; or (3) obtain concurrence from the applicable TV/DTV station(s). The engineering study is submitted to the Commission if the channel separation is other than what is stated in rule (table). This will reduce the potential for interference to public reception of the signals of existing TV and DTV broadcast stations transmitting on TV channels 62, 63, 64, 65, 67, 68 or 69.

47 C.F.R. § 90.1211 - Regional Plan. With respect to the 4.9 GHz band, the Commission suggested that each 700 MHz region submit a plan on guidelines to be used for sharing the spectrum within the region.

The Commission is requesting a modification to add Section 90.1211 to the current collection and renew the information collection because there has been no change in the above four rule sections. After careful review, the Commission determined that Section 90.1211 should be consolidated into this collection. Therefore, we are adding burden hours to reflect that requirement. Overall, however, the total burden hours for this collection are decreasing.

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.

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

2. For information submitted to the Commission, Commission personnel will use the information obtained to assign licenses, and also use the information to determine regional spectrum requirements and to develop technical standards. The information will also be used to determine whether prospective licensees will operate in compliance with the Commission's rules. Without such information, the Commission could not accommodate regional requirements or provide for the optimal use of the available frequencies. For information provided to, or exchanged among third parties, will be used to establish eligibility and to prevent harmful interference.

3. Third party respondents are free to exchange information electronically if they desire, and the Commission encourages submissions to be made electronically whenever possible.

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 to deter against possible abuses of the processes.

6. Without the submission of regional plans, the Commission could not identify and accommodate regional needs and preferences. The information is initially collected only once, although the regions are permitted to amend their plans as needed. Thus, the frequency of filing is determined by the respondents. If individuals or organizations did not assist the Commission

in developing technical standards, it would take much longer for the Commission to develop such standards.

7. Current data collection is consistent with 5 C.F.R § 1320.6.
8. The Commission initiated a 60-day public comment period which appeared in the Federal Register on March 21, 2008 (73 FR 15155). No comments were received as a result of the notice.
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. The Commission has derived the following estimates of the burden on respondents:

a. 47 C.F.R. § 90.523 - Eligibility. Filing by non-governmental entities:

(1) Number of Respondents: Approximately 8,000 nongovernmental entities (NGOs) and approximately 2,000 state or local governmental respondents.

(2) Frequency of Response. Third party disclosure and one-time reporting requirements. The 8,000 NGOs are estimated to submit one statement per entity per year to a state or local government. Approximately 2,000 state or local government entities will receive this information and each will issue an average of 4 certifications to NGOs. Additionally, the state or local government entities may rescind its NGO authorization and is required to notify the Commission directly in writing.

(3) Annual Burden per Respondent and total burden: The Commission estimates that 8,000 NGOs will prepare statements with each statement taking about 1 hour to prepare (8,000 x 1 = 8,000 hours). The state or local governmental entities will issue 8,000 certifications (8,000 x .5 hour = 4,000 hours) and will issue approximately 50 rescissions (50 x .5 hour = 25 hours).

Total annual burden is 12,025 hours.

(4) Total Estimate of annualized cost to respondents for the hour burdens for collection of information: \$481,000.

(5) Explanation of calculation: 12,025 hours x \$40 per hour for either NGOs and state and local governments (including administrative staff time and overhead) = \$481,000.

b. 47 C.F.R. § 90.527 - Regional plan requirements. The Commission has derived the following estimates of the burden on respondents by reviewing previously filed regional plans in the 800 MHz band and three years experience in the 700 MHz band:

(1) Number of Respondents: Fifty-five (55) regional planning committees. These committees

will be the primary respondents. On average, each of the regional committees will receive information from approximately 80 eligible entities, so that the total number of third party respondents is estimated to be approximately 4,400.

(2) Frequency of Response: One time reporting requirement and one-time third party disclosure requirement.

(3) Annual burden per respondent and total burden: Each of the 4,400 eligible entities will spend approximately 3 hours preparing information for a regional planning committee. 4,400 eligible entities x 3 hours per entity = 13,200 total burden hours for all eligible entities. Each regional planning committee will be required to: (1) publicize and convene a general meeting (estimate: approximately **6 hours**); (2) record the name, address, telephone number, and organizational affiliation of the committee chairperson and members (estimate: approximately **1 hours**); (3) receive and evaluate applications for channels from eligible entities (estimate: approximately **200 hours**); (4) conduct meetings, including general, subcommittee, and task force meetings, to design a regional plan (estimate: approximately **80 hours**); (5) prepare a final report that summarizes, describes, and explains the major elements of the plan (estimate: approximately **240 hours**); (6) coordinate their plan with the regional planning committees in adjacent regions (*i.e.*, send their plan to each contiguous region for review, and themselves review the plans of each contiguous region) (estimate: approximately **20 hours**); and (7) submit copies of the plan to the Commission for approval or rejection with explanation (estimate: approximately **1 hours**). Additionally, the major elements for the plans for the 700 MHz frequency band include: (1) identification of the document as the regional plan; (2) a summary of the major elements of the plan and explanation of the process; (3) general description and explanation of how the spectrum would be allotted; (4) explanation of how needs were assigned priorities where not all eligible received licenses; (5) evidence of how the plan had been successfully coordinated with adjacent regions; (6) description of how the plan encourages efficient and effective use to the spectrum; (7) description of the planning procedure; and (8) certification that all committee meetings were open to the public. In addition, the creation and submission of a regional plan will generate various clerical tasks, such as photocopying, mailing, and filing (estimate: approximately **80 hours**). Estimate per plan of **628 hours, for a program total (for 55 regions) of 34,540. 13,200 eligible entity hours + 34,540 regional planning committee hours = 47,740 total annual burden hours for § 90.527 regional plan requirements.**

(4) Total Estimate of annualized cost to respondents for the hour burdens for collection of information: \$1,909,600.

(5) Explanation of calculation: 47,740 x \$40 per hour for eligible entities and regional planning committees (including administrative staff time and overhead) = \$1,909,600.

Explanation of how the burden was estimated: The Commission has revised the preceding estimate of the burden on respondents by reviewing previously filed regional plans in the 800 MHz band, and adjusting for reduced burdens due to process efficiencies gained through the use of administration of regional planning activities (online meetings and collaboration between public entities) as reflected in plan submissions received within last three years. The Commission predicts that the burden on predominantly rural regions, where there may be less

demand for additional public safety spectrum, may be less than the above estimates. Likewise, the burden on metropolitan regions, where the public safety requirements may be more complex, may exceed the above estimates.

To devise regional plans, the regional planning committees will require information from entities that are eligible to utilize the 700 MHz channels. Typically, regional planning committees will receive this information in the form of separate written submissions to justify a request for the assignment of radio channels. Additionally, committees coordinate with adjacent regions to gain concurrence on proposed modifications to plans and on alternative methods for co-channel interference protection. The actual burden on any given applicant may vary depending upon numerous factors including the number of channels sought, the degree of competition for channels, and the complexity of the regional plan being developed. The Commission predicts that, as with primary respondents, the burden may be expected to fall most heavily on applicants in congested urban regions, and most lightly on applicants in predominantly rural regions.

c. 47 C.F.R. § 90.545(c)(1) - TV/DTV interference protection criteria. Applicants may conduct and file with the Commission an engineering study or obtain a concurrence from a TV/DTV station:

(1) Number of Respondents: Approximately 300 applicants may chose to perform an engineering study which they would submit to the Commission. Approximately 300 applicants may seek to obtain TV/DTV station concurrence. Total number of respondents is **600 (300 applicants and 300 TV/DTV stations)**.

(2) Frequency of Response: Reporting and one-time third party disclosure requirements.

(3) Annual Burden per respondent and total burden: Approximately 3 hours per engineering study for a total of 900 burden hours, and a burden of 1 hour per TV/DTV response (300 TV/DTV stations responding to requests for concurrence). Total is **1,200 annual burden hours**.

(4) Total Estimate of annualized cost to respondents for the hour burdens for collection of information: \$ 48,000.

(5) Explanation of calculation: 1,200 hours x \$40 per hour = \$48,000.

d. 47 C.F.R. § 90.1211 - Regional Plan. Voluntary filing requirement for fifty-five (55) 700 MHz regional planning committees, as determined by the RPCs, to submit regional plans containing usage guidelines for use of the 4.9 GHz spectrum. Such plans, when submitted, do not require review and approval by the Commission. Therefore, there is no burden on the government:

(1) Number of Respondents: Fifty-five (55) regional planning committees. These committees will be the primary respondents. To date, less than 20% of the 55 regional planning committees voluntarily submitted guidelines to the Commission. Therefore, we are reducing the number of possible respondents to 11.

(2) Frequency of Response: One time voluntary submission.

(3) Annual burden per respondent and total burden: **10 hours per respondent. 11 respondents x 10 hours per respondent = 110 total annual burden hours.**

(4) Total Estimate of annualized cost to respondents for the hour burdens for collection of information: \$4,400.

(5) Explanation of calculation: 110 annual burden hours x \$40 per hour (including administrative staff time and overhead) = \$ **4,400**.

Explanation of how the burden was estimated: The Commission estimated the burden on respondents by reviewing the 4.9 GHz public safety rulemaking proceeding and subsequent petitions for reconsideration.

Summary of total annual burden: 12,025 + 47,740 + 1,200 + 110 = 61,075 hours.

13. The Commission believes that the development of the regional plans and the national plan, and the provision of assistance in the development of technical standards, will impose no annual cost burden on respondents from either capital or start-up costs, or from operation and maintenance of equipment, or from purchase of outside services. The Commission believes that the public safety agencies and other interested entities already possess the necessary materials, and that the agencies and other interested entities will have procured these materials in the course of conducting their customary and usual business. The Commission further believes that the affected entities already employ a large pool of highly able professional and clerical staff, which makes the likelihood of purchase of outside services remote.

14. Cost to Federal Government. To review all fifty-five (55) regional plans will require 2200 hours of analysis and review. The Commission anticipates that of those 40 hours per plan, half will be performed by staff at the GS 13/5 level and half will be performed by staff at the GS 14/5 level. Thus the total estimated burden hours cost of reviewing 55 plans is 2200 hours. GS 13/5 salary @ 45.05 per hour x 1100 burden hours = \$ 49,555 + GS 14/5 salary @ \$53.24 per hour x 1100 = \$ 58,564 [Total cost per plan: \$1,965.80 (cost per plan) x 55 = \$108,119 (for all 55 plans)].

15. An adjustment was made to more accurately reflect the burden hours, which is due largely as a result of efficiencies gained through the use of regional plan document templates, and the use of a pre-allocation and frequency coordination database by Regional Planning Committees. In addition, the Commission is requesting a program change increase to add Section 90.1211 to the current collection. After careful review, the Commission determined that Section 90.1211 should be consolidated into this collection. Therefore, we are adding burden hours to reflect that requirement. Since the last submission to OMB, we are reporting an overall decrease in burden for respondents to this information collection.

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

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

information collection.

18. This collection of information conforms to the requirements set forth in 5 CFR § 1320.9.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.