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SUPPORTING STATEMENT

A. Justification:**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

A. On June 5, 2005 (70 FR 32258), the Commission established rules for Access Broadband over Power Line Systems (“Access BPL”), in ET Docket No. 04-37, FCC 04-245. Access BPL is a new type of carrier current technology¹ that provides access to high speed broadband services using electric utility company power lines. This technology offers the potential for the establishment of a significant new medium for extending broadband access to American homes and businesses. Access BPL equipment injects radio frequency (RF) into unshielded medium voltage lines, which carry the 1,000 to 40,000 volts. The technology raises concerns of potential interference with incumbent users of the spectrum.²

Section 15.615 requires entities operating Access BPL systems shall supply to an industry-recognized entity, information on all existing Access BPL systems and all proposed Access BPL systems for inclusion into a publicly available database, within 30 days prior to the installation of service. Such information shall include specific information noted in paragraph 2 of this supporting statement.

B. The marketing of Access BPL equipment is directed solely to parties eligible to operate the equipment.

(1) Eligible parties are entities that are typically well-established companies.

(a) AC power line public utilities companies,

(b) Access BPL service providers, and

(c) Associates of Access BPL service providers.³

C. The Commission’s rules, require the BPL industry (comprised of these three types of companies eligible to operate BPL equipment) to create an “industry-sponsored entity” to operate an Access BPL Database.

¹ The FCC Part 15 defines carrier current systems as devices that couple radio frequency (RF) onto the power lines for communication purposes. See 47 C.F.R § 15.3(f). See also, discussion in *Report and Order* at ¶¶3-4.

² Unshielded lines --- such as power lines --- let RF inside the wire leak out, which might cause interference with other users of the spectrum, such as licensed mobile users who could travel close to the medium voltage power lines, which can carry from 1000 to 40,000 volts. See discussion in *Report and Order* at ¶¶6-8.

³ These are entities who act for the BPL providers through contractual agreements.

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The database must be recognized by the Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA).

This collection of information is authorized under Sections 4(i), 301, 302, 303(e), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 301, 302, 303(e), 303(f), and 303(r).

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. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The three industry entities operating the Access BPL systems supplies information (reporting requirement) to an industry-recognized entity, which creates and maintain a publicly available database. The database includes information on all existing Access BPL systems, and information on all future Access BPL systems, which plan to begin service within 30 days.

Such information shall include the following :

- (1) the name of the Access BPL provider;
- (2) the frequencies of the Access BPL operation;
- (3) the postal ZIP codes served by the specific Access BPL operation;
- (4) the manufacturer and type of Access BPL equipment being deployed (i.e., FCC ID), trade name and model number;
- (5) point of contact information both telephone and e-mail address; and
- (6) the proposed or actual date of initiation of Access BPL operation.

Access BPL operators are required to provide notification to parties listed as Federal Government and aeronautical contact points, in order to avoid operating on the same frequencies as these operations (third party disclosure requirement).⁴

NTIA and associated entities⁵ will use the information from the BPL database for consultation purposes to facilitate the introduction and development of BPL systems, and to protect licensed radio services from harmful interference.

⁴ See 47 C.F.R. §15.615.

⁵ These entities are U.S. Coast Guard Stations and radio-astronomy facilities, maritime public coast stations and aeronautical stations. See 47 C.F.R. § 15.615 and discussion in *Report and Order* at ¶¶ 49-53.

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Access BPL operators are required to provide notification to public safety contact points. The public safety entities then use the information gathered for consultation purposes to facilitate the introduction and development of BPL systems and to protect licensed radio services from harmful interference.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The information for the database is collected principally via electronic means. Computer access to an interactive user interface on the database administrator internet site is provided, thereby facilitating data entry, both initial entry and modification entries, for the BPL operator. Information can also be submitted to the database administrator via hard copy, if necessary.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.**

The FCC is the only Federal agency to require or possess the subject information. Therefore, there is no duplication of effort.

- 5. If the collection of information impacts small businesses or other small entities (item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

Because Access BPL systems are carried over unshielded power lines, there is a greater possibility of interference with licensed radio services, and the information requested is the minimum set (6 data fields) to help identify and resolve any interference complaint.

No extraneous information is requested in order to minimize the burden on small entities and to avoid constraints on BPL deployments.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

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In general we expect that this will be a one time filing requirement. However, subsequent modifications or replacements of installed BPL equipment may necessitate additional entries, such as new ZIP codes for BPL installations or new BPL equipment models in existing areas. The information collected is necessary to ensure that harmful interference to licensed operations can be quickly identified and resolved, and that any constraints on BPL deployments (such as avoiding the same operating frequencies as the licensed radio user) are minimized to those necessary to avoid harmful interference to licensed radio operators. Therefore, we must have complete data information on all installed Access BPL systems. The database can be accessed by any member of the public.

- 7. Explain any special circumstances that cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The Commission published a Federal Register notice (73 FR 26112, May 8, 2008) soliciting comments. We received no comments in response to the Federal Register notice. The notice is referenced in this submission to the OMB.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payments or gifts are given to respondents.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.**

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The FCC does not require any confidentiality in the information provided to the database. There are no proprietary or trade/technological standards to which these BPL entities wish to restrict access.

The database information, which is limited to a minimum set of 6 data fields as, described above, must be accessible to the general public. These data fields are specified in the FCC rules. The database manager has instructions on its website to guide the public on how to access the BPL database.

11. Provide additional justification for any questions of a sensitive nature.

No sensitive information is required for this collection of information.

12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.

A. The Commission estimates that the three groups of entities that will develop and run the Access BPL database include:

- (1) the AC power line public utility companies,
- (2) Access BPL service providers, and
- (3) associates of Access BPL service providers.

Total Number of Respondents: 100 (BPL operators)

B. The Commission also estimates that each of these respondents will contribute to the reporting requirement to maintain the BPL Access database:

Total Number of Responses Annually: 100.

C. The Commission estimates that the annual hourly burden for BPL operators to comply with the BPL Access database requirements is:

- (1) Each BPL operator (respondent) may expend approximately 0.5 hours weekly to comply with this reporting requirement.

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- (2) This assumption is based on the Commission's estimate that on average, a BPL operator might update information as much as every week and it might take as much as a half hour to log in, enter the data, and log out:

0.5 hours/week/BPL operator x 52 weeks = 26 hours annually

Total Annual Hourly Burden: 100 respondents x 26 hours each = **2,600 hours.**

13. Provide estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12 and 14).

A. The Commission estimates that there were minimum capital and/or start-up costs to initiate the database. The costs are amortized by the database administrator as fees charged to the BPL operators who enter the information into the database.

B. The database administrator's total cost to operate the BPL database, including operating and maintenance expense may be covered by assessing fees.

(1) The fees may be reduced if the BPL operator is also a member of the organization maintaining the database, as other membership benefits are combined. The Commission estimates that approximately 50% of the 100 BPL operators will be members who will not be assessed fees.

(2) The Commission estimates that 50% of the 100 BPL operators who are non-members will pay approximately \$100 per month for the operation and maintenance of the BPL Access database.

50 BPL operators x \$100/month fee x 12 months = \$60,000

C. Total Annual Cost to the Respondent: **\$60,000.**

14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expenses that would not have been incurred without this collection of information.

The database is maintained and updated by the BPL industry. FCC personnel may access the database if necessary but the BPL operators will not charge the Commission for its use of the

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database; thus, the Federal Government (FCC) incurs no cost.

15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of the OMB Form 83-I.

There are no program changes or adjustments.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

The information and data will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Commission is seeking approval to not display the OMB expiration date. The BPL registration information will be filed as informal requests in a industry-sponsored database.— The OMB expiration date is currently displayed in 47 CFR 0.408.

18. Explain any exceptions to the Certification Statement identified in Item 19, “Certification of Paper Work Reduction Act Submissions,” of OMB Form 83-I.

There are no exceptions to the certification statement identified in Item 19 of the OMB Form 83-I.

B. Collection of Information Employing Statistical Methods:

This collection of information does not employ statistical methods.