

SUPPORTING STATEMENT

A. Justification:

1. FCC Form 620 is the **NT Submission Packet** to be completed by or on behalf of Applicants to construct new antenna support structures by or for the use of licensees of the Federal Communications Commission (“FCC”).

FCC Form 621 is the **CO Submission Packet** is to be completed by or on behalf of Applicants who wish to collocate an antenna or antennas on an existing communications tower or non-tower structure by or for the use of licensees of the Federal Communications Commission (“FCC”).

The Commission, on its own motion, is currently revising this IC by developing a means of filing these forms electronically via the Tower Construction Notification System (TCNS), therefore, seeking approval to revise the forms (no change in reporting, recordkeeping or third party disclosure requirements) to include questions on the forms rather than applying attachments to the submissions. Therefore, the percentage of those responses collected electronically will be 100 percent.

In this latest revision, to alleviate numerous attachments, the Commission is adding the following data elements to FCC Form 620 application screen(s):

- Consultant FCC Registration Number (FRN)
- TCNS Notification Number
- Site Name of Structure
- Tribal/NHO Involvement
- Historic Properties
- Local Government Involvement
- Other Consulting Parties
- Designation of SHPO/THPO

The following data elements are being added to FCC Form 621 application screen(s):

- Consultant FCC Registration Number (FRN)
- TCNS Notification Number
- Secondary TCNS Notification Number
- Site Name of Structure
- Tribal/NHO Involvement
- Historic Properties
- Local Government Involvement
- Other Consulting Parties
- Designation of SHPO/THPO

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.

Statutory authority for this information collection is contained in Sections 1, 4(i), 303(q), 303(r), 309(a), 309(j) and 319 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 303(q), 303(r), 309(a), 309(j) and 319, Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. § 470f, and Section 800.14(b) of the rules of the Advisory Council on Historic Preservation, 36 C.F.R. § 800.14(b).

2. The data is used by FCC staff, State Historic Preservation Officers (“SHPO”), Tribal Historic Preservation Officers (“THPO”), and the Advisory Council on Historic Preservation (“ACHP”) to take such action as may be necessary to ascertain whether a proposed action may affect historic properties that are listed or eligible for listing in the National Register as directed by Section 106 of the NHPA and the Commission’s rules.
3. The Commission anticipates 100% of the applications will be filed electronically.
4. This agency does not impose a similar information collection on the respondents. There is no similar data available.
5. In conformance with the Paperwork Reduction Act of 1995, the Commission made an effort to minimize the burden on all respondents, regardless of size. Further, because the Nationwide Agreement sought to streamline review procedures of certain undertakings for communications facilities under Section 106 of the NHPA, the Commission believes that the use of these forms minimize reporting and collecting burdens upon its applicants.
6. This collection is required in order to assist FCC staff in monitoring compliance with Commission regulations pursuant to Section 1.1307(a)(4), thereby ensuring the Commission’s own compliance with the NHPA.
7. This collection of information is consistent with the guidelines in sections 5 CFR 1320.5(d) (2) & 1320.6.
8. The Commission published a notice in the Federal Register on February 25, 2008 (73 FR 10026), seeking public comment on this revised information collection. No comments were received as a result of the notice. A copy of the Federal Register notice is referenced in this submission to the OMB.
9. Respondents will not receive any payments.
10. In general, there is no need for confidentiality for respondents. On a case by case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites. See 16 U.S.C. § 470w-3.
11. This collection does not address any private matters of a sensitive nature.

12. This collection consists of five components, which correspond to aspects of the Section 106 Review process when an applicant proposes to construct an antenna structure or co-locate an antenna that is not covered under the Collocation Programmatic Agreement.

The five components are: a) the Initial Assessment by the Applicant to determine whether an exclusion may apply; b) the Consultation Process with the SHPO/THPO, affected Indian Tribes and consulting parties; c) Mitigation of Adverse Effect; d) Dispute Resolution between the SHPO/THPO and the Applicant; and e) the Recordkeeping burden.

We estimate that 12,000 respondents annually will be subject to these requirements. This estimate is based on an average of 8,000 towers registered in each of the last two years in our Antenna Structure Registration database (“ASR Database”), rounded to the thousand. In addition to the towers registered in the ASR database, we estimate that applicants propose to construct approximately 4,000 non-registered towers annually, all of which are less than 200 feet tall. Non-registered applicants will incur similar burdens when proposing to construct a tower less than 200 feet tall as those registered in the ASR database.

a. Initial Assessment:

In order to meet this requirement, we anticipate that applicants will utilize an in-house staff engineer and a NEPA analyst to determine whether exclusion would obviate the need for further review. These hour and cost burdens will be internal burdens absorbed by the company. It should take an engineer 1 hour at \$32.00/hour, and a NEPA analyst at the GS 9/5 level 1 hour at \$25.00/hour, to assess the average project. Clerical Support will be accounted for in the record keeping cost and hourly burdens. All 12,000 respondents fall into this category.

12,000 (applicants) x 2 (1 hour/per engineer and 1 hour/per NEPA analyst) = 24,000 Burden Hours

Alternatively, the agreement proposes that applicants must always contact potentially affected Indian Tribes, even if exclusion applies. The NEPA analyst will need to send letters to those tribes affected. We estimate that it will take an additional .5 hour per project for the analyst to complete this task. 12,000 x .5 hr (analyst) = 6,000 hours.

24,000 hours + 6,000 = **30,000 hours**

12,000 x 1 hr (engineer) x \$32. = \$384,000.

+12,000 x 1.5 hr (analyst) x \$25. = \$450,000.

Total Cost Burden \$834,000.

b. Consultation:

Meeting this requirement will require one outside consultant for each tower constructed. The consultant identifies all historic properties, including traditional cultural properties, which may be affected. The consultant is also responsible for sending correspondence to the appropriate tribes and other consulting parties. Further, the consultant publishes

public notices to notify the public of each project and mails those notices to all tribes and consulting parties. Publication cost per notice is \$100.00. The cost of mailing documents associated with the project is approximately \$10.00. On average, 60% of the 12,000 respondents will fall into this category.

We estimate that the consulting process will be a 10 hour process at \$125.00 per hour. In addition, the applicant will need 1 staff clerical person to compile and maintain files. We estimate that this record keeping burden will require 1 clerical person at the GS 8/5 level for 1 hour per project at \$22.64/hour.

$$\begin{aligned} &7,200 \text{ applicants} \times 1(\text{consultant}) \times 10 \text{ hrs} = 72,000 \text{ hours} \\ &\underline{+7,200 \text{ applicants} \times 1(\text{in-house clerical}) \text{ at } 1 \text{ hr} = 7,200 \text{ hours}} \\ &\quad \textbf{Total Hour Burden} = \textbf{79,200 hours} \end{aligned}$$

$$\begin{aligned} &7,200 \text{ applicants} \times \$125.00 (\text{consultant}) \times 10 \text{ hrs} = \$9,000,000 \\ &7,200 \text{ applicants} \times \$22.64 (\text{in-house clerical}) \text{ at } 1 \text{ hr} = \$163,008.* \\ &7,200 \text{ applicants} \times \$100.00 (\text{publication fee}) = \$720,000. \\ &\underline{7,200 \text{ applicants} \times \$10.00 (\text{mailing fee}) = \$72,000.} \\ &\quad \textbf{Total Cost Burden is } \textbf{\$9,955,008.} \end{aligned}$$

c. Mitigation of Adverse Effect:

The recommendation by a SHPO/THPO of an adverse effect, if accepted, requires the applicant, the Commission, and the SHPO/THPO to negotiate and sign a Memorandum of Agreement (“MOA”) to mitigate the adverse effect. In order to meet this requirement, applicants will need an outside consultant and 1 clerical person. We estimate that the process will take approximately 3 hours of consultant time at \$125.00/hour. For the clerical person the burden is 1 hour at the GS 8/5 level at a cost of \$22.64 per hour. On average, 5% of the 12,000 respondents will endure adverse effects.

$$\begin{aligned} &600 \text{ applicants} \times 3 \text{ hrs} (\text{consultant}) = 1,800 \text{ hours} \\ &\underline{600 \text{ applicants} \times 1 \text{ hr} (\text{clerical}) = 600 \text{ hours}} \\ &\quad \textbf{Total Hour Burden} = \textbf{2,400 hours} \end{aligned}$$

$$\begin{aligned} &600 \text{ applicants} \times 3\text{hrs} (\text{consultant}) \times \$125.00/\text{hr} = \$225,000. \\ &\underline{600 \text{ applicants} \times 1 \text{ hr} (\text{clerical person}) \times \$22.64/\text{hr} = \$13,584.} \\ &\quad \text{Total Cost Burden} = \$238,584. \end{aligned}$$

d. Dispute Resolution Between SHPO/THPO and the Applicant:

Meeting this requirement may require the applicant to hire an attorney or use internal legal counsel to help resolve before the Commission any dispute that may arise between the SHPO/THPO and the applicant. The FCC will utilize an attorney and a cultural resources specialist to arbitrate the dispute and to decide the case if a settlement cannot be reached by the parties. Further, one clerical person for each party at the GS 8/5 level (\$22.64/hour) will be needed to compile and maintain records. We are estimating that the process of resolution will take approximately 3 hours at a \$200/hour rate for all attorneys. We estimate that it will take the cultural resource specialist approximately 3 hours at

\$193.00/hour. Also, there is a mailing cost of \$10.00 incurred by the FCC for mailing findings to the ACHP, and a record keeping burden incurred by all parties. On average, .2% of the 12,000 respondents will fall into this category.

24 applicants x 3 hrs (Industry Atty) = 72 hours
24 applicants x 3 hrs (Commission Atty) = 72 hours
24 applicants x 3 hrs (Commission cultural resources specialist) = 72 hours
24 applicants x 1 hr (SHPO/THPO clerical) = 24 hours
24 applicants x 1 hr (clerical) = 24 hours
24 applicants x 1 hr (Commission clerical) = 24 hours
Total Hour Burden = 288 hours

24 applicants x 3 hrs (Industry Atty) x \$200.00/hr = \$14,400.00
24 applicants x 3 hrs (Commission Atty) x \$200.00/hr = \$14,400.00
24 applicants x 3 hrs (Commission cultural resources specialist) x \$193.00/hr
= \$13,896.00
24 applicants x 1 hr (SHPO/THPO clerical) x \$22.64/hr = \$543.36
24 applicants x 1 hr (clerical) x \$22.64/hr = \$543.36
24 applicants x 1 hr (Commission clerical) x \$22.64/hr = \$543.36
24 applicants x \$10.00 (mailing fee) = \$240.
Total Cost Burden = \$44,566.08

e. Recordkeeping Burden:

In order to meet this requirement, applicants will need one clerical person at the GS 8/5 level for 1 hour to compile and maintain the files for each project at \$22.64/hour. The hour and cost burden will be internal burdens absorbed by the company.

12,000 applicants x 1 hr (clerical) = **12,000 Burden Hours**

12,000 applicants x 1 hr (clerical) x \$22.64 = \$271,680. Total Cost Burden

TOTAL ANNUAL HOUR BURDEN IS: a) 30,000 + b) 79,200 + c) 2,400 + d) 288 + e) 12,000 = **123,888 hours**

13. The operational and maintenance costs associated with this collection are as follows:

a. Initial Assessment: Zero (0)

b. Consultation:

7,200 applicants x \$125 /hr (consultant) x 10 hrs = **\$9,000,000.**

c. Mitigation of Adverse Effect:

600 applicants x \$125/hr (consultant) x 3 hrs = **\$225,000.**

d. Dispute Resolution Between SHPO/THPO and the Applicant:

24 applicants x \$200/hr (attorney) x 3 hrs = \$14,400.
24 applicants x \$193/hr (cultural resources specialist) x 3 hours = \$13,896
Total is \$14,400 + \$13,896 = **\$28,296**

e. Recordkeeping Burden: Zero (0).

Total Annual Cost Burden is: a) Zero + b) \$9,000,000 + c) \$225,000 + d) \$28,296 + e) Zero = **\$9,253,296 total annual cost.**

TOTAL OPERATING AND MAINTENANCE COST: \$9,253,296.*

*Includes the deduction of \$163,008 for in-house clerical support.

14. The cost to the Commission is calculated under the “Dispute Resolution Between SHPO/THPO and the Applicant” category, and can be found under #12d of this supporting statement. It is estimated to be:

24 applicants x 3 hrs (commission Atty) x \$200./hr = \$14,400
24 applicants x 3 hrs (commission cultural spec.) x \$193./hr = \$13,896.
24 applicants x 1 hr (commission clerical) x \$22.64/hr = \$480.

TOTAL COST TO THE FEDERAL GOV'T: \$14,400 + \$13,896 + \$480 = \$28,776.00

15. There is no change in the hourly or annual cost burdens.

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

17. The Commission is requesting a waiver from displaying the OMB expiration date on the FCC Form 620 & FCC Form 621. The Commission will use an edition date in lieu of an OMB expiration date. Additionally, the Commission publishes all OMB-approved information collections (including the OMB expiration date) in 47 CFR 0.408.

18. There are no exceptions to the “Certification Statement” in Item 19.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.