

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

January 15, 2010

Alex Hunt
Chief, Information Policy Branch
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Hunt:

The Federal Communications Commission (Commission) requests OMB approval to submit the information collection described herein under the “emergency processing” provisions of the Paperwork Reduction Act of 1995 (5 CFR 1320.13). The Commission is requesting clearance for a new information collection entitled: Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations (Wireless Microphones). We respectfully request OMB approval for this collection by February 12, 2010.

There are three parts to the collection in the Commission’s Report and Order. The first part involves providing notice to wireless microphone users that they must vacate the 700 MHz Band. Although under the new rules all wireless microphones will be required to vacate the 700 MHz Band by June 12, 2010, the new rules also provide a mechanism for clearing the band before June 12, 2010. This early clearing mechanism provides that new public safety or commercial licensees may provide notice to the Commission that it will be initiating operation on specified frequencies in particular market(s). Upon such notification, the Commission will issue a public notice that identifies the affected market area(s). Wireless microphone users in those areas must cease operation within 60 days of the release of the Public Notice. A 700 MHz public safety or commercial licensee also may notify wireless microphone users directly of the licensee’s intention to commence operation. Wireless microphone users must clear the band within 60 days after receiving such notice.

The second part requires manufacturers, dealers, distributors, and other entities who sell or lease wireless microphones to display a disclosure at the point of sale or lease that informs consumers of the conditions that apply to the operation of wireless microphones that vacate the 700 MHz Band and relocate to the core TV spectrum during the temporary waiver period.

The third part establishes a labeling requirement for wireless microphones capable of operating in the 700 MHz Band. Any person who manufactures, sells, or leases wireless microphones in the U.S. that are destined for non-U.S. markets and that are capable of operating in the 700 MHz Band must include labeling in all sales, marketing, and packaging materials, including online materials, related to such devices.

The Commission is seeking emergency processing and approval because this collection of

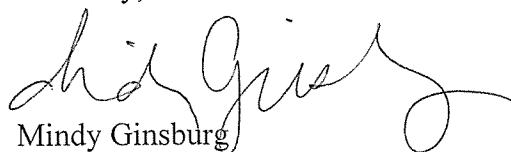
information is critical to the responsible and effective implementation of the Commission's mission, and the avoidance of public harm resulting from a less than successful transition of wireless microphones out of the 700 MHz frequency band. The operation of wireless microphones in the 700 MHz Band has the potential to cause harmful interference to new public safety and commercial licensees in the band. In light of this, the Commission is taking steps to clear wireless microphones from the 700 MHz Band as soon as possible so that new 700 MHz licensees, particularly public safety entities, can operate without the potential for harmful interference.

Public harm is reasonably likely to result if the normal PRA clearance procedures are followed for this information collection. It is essential for the early clearing mechanism to be available as soon as possible so that public safety and commercial licensees in the 700 MHz Band can avoid harmful interference from wireless microphone users still operating in the band. The potential for public harm is particularly apparent in the case of public safety licensees such as police and fire departments. Some public safety licensees are already operating in the 700 MHz Band, and more are expected to commence operation soon. Interference from wireless microphones could affect the ability of these officials to communicate during an emergency and therefore could create a serious threat to public health and safety. The effective date of June 12, 2010 proposed by the Commission provides for these early clearing and consumer disclosure measures to commence as early as possible. As a result, the Commission cannot comply with the regular OMB approval process due to the limited period of time for which two of the requirements (the early clearing mechanism and the point-of-sale disclosures) will be in effect, and the urgent need to ensure that wireless microphone users transition out of the 700 MHz Band. Therefore, the Commission is requesting emergency processing due to the potential public harm possible without emergency approval.

The Commission is seeking a waiver of the notice and comment period in the Federal Register requesting public comment on the information collection requirements due to the emergency nature of this request. The Commission will conduct all the necessary regular submission requirements under the Paperwork Reduction Act after approval of this emergency request.

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 February 12, 2010.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mindy Ginsburg".

Mindy Ginsburg
Deputy Managing Director
Office of Managing Director
Federal Communications Commission