

SUPPORTING STATEMENT

A. Justification:

1. In preparation of the narrowband Personal Communications Services (“PCS”) auctions, the Commission modified its existing narrowband PCS rules via release of its May 18, 2000, *Second Report and Order (Second R&O)* and *Second Further Notice of Proposed Rulemaking*. These modifications included the use of Major Trading Areas and the elimination of Basic Trading Areas for future licensing, the establishment of a “substantial service” alternative to the current construction benchmarks, and modifications to certain provisions of the narrowband PCS competitive bidding rules. The Commission also eliminated the narrowband PCS spectrum aggregation limit and adopted partitioning and disaggregation rules. The Commission believes that the rule modifications it adopted will improve the efficiency of spectrum use, reduce the regulatory burden on spectrum users, encourage competition, and promote service to the largest feasible number of users.

Specifically, this collection requires that nationwide narrowband PCS licensees must, pursuant to 47 C.F.R. § 24.103(d), notify the FCC by filing FCC Form 601, no later than 15 days after the end of the 5 year period following the initial grant of their license, indicating that they plan to satisfy the alternative requirements to provide “substantial service”.¹ Also, pursuant to § 24.103(f), upon meeting the 5 and 10 year benchmarks in (a), (b), and (c) of this subsection, licensees shall notify the Commission by filing FCC Form 601 and including a map and other supporting documentation that demonstrate the required geographic area coverage, population coverage, or substantial service to the licensed area within 15 days of the expiration of the relevant period has been met.

The Commission is now seeking an extension (no change in reporting and recordkeeping requirements) in order to obtain the full three year clearance from the Office of Management and Budget (OMB). The Commission is reporting a 29 hour burden reduction adjustment which is due to a decrease in the number of respondents/responses since the 2007 submission to OMB. The number of responses reduced from 117 in 2007 to 90 at this time.

As noted on the Form OMB 83-I, this information collection could affect individuals or households. Thus, this collection is impacted by the Privacy Act, and contains personally identifiable information on individuals (PIA).

- (a) The FCC maintains a system of records notice (SORN), FCC/WTB-1, “Wireless Services Licensing Records,” that covers the collection, purpose(s), storage, safeguards, and disposal of the PII that individual nationwide narrowband PCS licensees maintain under 47 CFR 24.103.
- (b) The FCC published this SORN most recently on April 5, 2006 (71 FR 17234, 17269).

¹ “Substantial service” is defined as service that is sound, favorable, and substantially above a level of mediocre service that would barely warrant renewal.

- (c) Going forward, if the FCC makes substantive change to the Wireless Services Licensing Records, the Commission will conduct a full Privacy Impact Assessment of the SORN covered by FCC/WTB-1, update this SORN, publish a Notice in the Federal Register, and post these two documents on the FCC webpage, as required by OMB Memorandum, M-03-22 (September 22, 2003).

Statutory authority for this collection of information is contained in 47 U.S.C. § 303, as amended.

2. The reporting and recordkeeping requirements of this information collection are used to ensure that licensees timely construct systems that are sound, favorable, and substantially provide a level of service above mediocre service, and that those systems serve a significant area of the U.S. population.
3. Prior to finalizing rule makings, the Wireless Telecommunications Bureau conducts an analysis to insure that improved information technology can be used to reduce the burden on the public. This analysis considers the possibility of obtaining and/or computer-generating the required data from existing data bases in the Commission or other federal agencies. Further, this information can be submitted on FCC Form 601.
4. This agency does not impose a similar collection on the respondents. No similar information is 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 that absolutely necessary for evaluating and processing the application and to deter against possible abuses of the processes.
6. This information is required at established 5 and 10 year benchmarks after license grant.
7. Current data collection is consistent with 5 C.F.R. § 1320.6.
8. The Commission published a 60-day notice on February 9, 2010 (75 FR 6393) for public comment. No comments were received as a result of the notice, which is included in this submission to OMB.
9. Respondents will not receive any payments.
10. Information on the private land mobile radio licensees is maintained in the Commission's system of records, FCC/WTB-1, "Wireless Services Licensing Records." The licensee records will be publicly available and routinely used in accordance with subsection b. or the Privacy Act. FRN numbers and material which is afforded confidential treatment pursuant to a request made under 47 CFR 0.459 will not be available for public inspection. Any personally identifiable information (PII) that individual applicants provide is covered by a system of records, FCC/WTB-1, "Wireless Services Licensing Records," and these and all other records may be disclosed pursuant to the Routine Uses as stated in this system of records notice.
11. This collection does not address any private matters of a sensitive nature with the exception of the personally identifiable information (PII) that individuals are required to maintain, as noted elsewhere in this supporting statement.

12. According to the ULS database, there are 5 licensees who possess 271 licenses who are affected by these rules for the next three years. These 5 licensees are required to file two responses per license. One response per license is required at both the five and ten year benchmarks after license grant. Because the five year benchmark for these licensees has already passed, we divide the remaining responses (271) by three in order to calculate the average number of responses per year. Hence, the average number of responses per year is 90.3.

We estimate that the average burden on the applicant is three hours for the information necessary to complete these forms. We estimate that 75% of the respondents will contract out the burden of responding. We estimate that it will take approximately 30 minutes to coordinate information with those contractors. The remaining 25% are estimated to employ in-house staff to provide the information.

75% of 90.3 respondents = 67.725 (68 rounded) contracting out) x .5 hours = 34 hours.
25% of 90 respondents = 22.5 (in-house) x 3 hours = 67.5 (68 rounded) hours.

TOTAL ANNUAL BURDEN = 68 + 34 = 102 hours.

13. Cost to Respondents:

We estimate that 75 percent of applicants will use an outside attorney or engineer (average of \$200 per hour) to prepare the information.

75% of 90 respondents = 68 (contracting out) x 3 hrs. = 204 hrs. @ \$200.00p/hr. = \$40,800.00. This estimated has been rounded to \$41,000.00.

TOTAL ANNUAL BURDEN COST = \$41,000.00.

14. The government review time is estimated at 1 hour per response with review being performed by personnel at the GS-14 level, step 5 @ \$45 per hour.

271 respondents x 1 hr. @ \$45.46 p/hr. = \$12,319.66.

TOTAL COST TO THE FEDERAL GOVERNMENT = \$12,319.66.

15. The Commission is reporting an adjustment to this information collection resulting in a decrease in the total annual burden due to a decrease in the number of respondents expected to meet the requirement of this information collection. See page one of this Supporting Statement.

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

17. No expiration date will be displayed.

18. There are no exceptions to Item 19.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.