

October 2010

The Commission is now requesting an extension (no change in the reporting requirements) to obtain the full three year clearance from the OMB. There is no change to the Commission's burden estimates.

SUPPORTING STATEMENT

A. Justification:

In the *Order* in PS Docket No. 06-229, FCC 10-79, the Commission grants, with conditions, 21 waiver Petitions filed by public safety entities ("Petitioners") seeking early deployment of statewide or local public safety broadband networks in the 700 MHz spectrum.. This waiver serves the public interest by allowing state and local jurisdictions to begin broadband deployment and speed services to the public safety community. This will also allow the Petitioners to take advantage of available or potential funding, either through grants or planned budgetary expenditures, as well as to take advantage of economies of scale and other cost saving measures for deployments that are already planned. In addition, Petitioners could benefit from the announced plans of some commercial carriers to begin construction of LTE-based networks this year and early next year, which would result in significant cost-savings. On May 21, 2010, the Public Safety and Homeland Security Bureau released a public notice providing further guidance on the requirements set forth in the *Order*.¹

One of the conditions for such waiver is the submission of interoperability plans to the Commission's Emergency Response Interoperability Center ("ERIC").² The Commission recently decided to establish ERIC to promote appropriate technical requirements that will ensure interoperability for these early deployments from their inception, as well as for any future deployed networks. Given the rapidly evolving nature of 3GPP deployments and standards, submission of the Petitioners' interoperability plans will help ensure interoperability and roaming among these early deployments.

Another condition of waiver is certification by Petitioners that their vendors are participating actively in the PSCR/DC Demonstration Network which will provide an open platform for development and testing of public safety 700 MHz LTE broadband equipment.³ This is important to ensure that, early in the deployment stage, new broadband equipment is being developed to support the network meets public safety's use expectations, will work in a multivendor environment, and allows for roaming across multiple networks.

¹ Public Safety and Homeland Security Bureau Offers Further Guidance to Conditional Waiver Recipients on Completing the Interoperability Showing Required by the 700 MHz Waiver Order, PS Docket No. 06-229, DA 10-923 (*Public Notice*).

² In the Matter of Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket No. 06-229, *Order*, FCC 10-79 (*Order*) at ¶ 55.

³ *Id.* at ¶ 61.

We also require each Petitioner to enter into a *de facto* spectrum lease with the Public Safety Spectrum Trust (“PSST”) in accordance with the terms and conditions of the Order.⁴ These leases must be submitted for approval by the Chief of the Public Safety and Homeland Security Bureau within 60 days of approval by OMB.

We also require each Petitioner, before deployment, to coordinate and address interference mitigation needs with any adjacent or bordering jurisdictions that also plan deployment, memorialize these agreements in writing, and submit them to ERIC within 30 days of their completion.⁵ Similarly, we require that parties provide ERIC with notice of any changes or updates within 30 days.⁶

In light of the novel nature of these deployments and the ongoing standards and equipment development for LTE, we emphasize that diligent pursuit of deployment is expected. In this respect, we also require Petitioners to file, in consultation with the PSST, 30 days after approval by OMB and quarterly thereafter, status reports with the Public Safety and Homeland Security Bureau addressing the Petitioners’ progress in 3 areas: (1) planning; (2) funding; and (3) deployment.⁷

See the Public Notice included in this submission to OMB for further guidance to conditional waiver recipients on completing the interoperability showing called for in the 700 MHz Waiver Order.

Statutory authority for this collection of information is contained in sections 151, 154(i), 301, 303, 332 and 337 of the Communications Act of 1934, as amended, and Section 1.925 of the Commission’s rules.

As noted on the Form OMB 83-I, this information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. This information will be used by FCC staff to facilitate deployment of state and local public safety broadband networks as an initial step towards development of a nationwide, interoperable public safety broadband network. Accurate recordkeeping of this data is vital in developing the regulatory framework for this network. Since such a network is vital for public safety and homeland security, its proper operation must be assured.

3. Prior to finalizing rule makings the Public Safety and Homeland Security Bureau conducts an analysis to ensure that improved information technology cannot 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.

⁴ *Id.* at ¶ 24.

⁵ *Id.* at ¶ 42.

⁶ *Id.*

⁷ *Id.* at ¶ 64.

4. We do not currently collect this information. There is no similar information collection that can be used or modified for this purpose.
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 to ensure effective deployment of a national, interoperable public safety broadband network.
6. This information collection is designed to provide the minimal amount of information to the Commission necessary to ensure the development of an effective national, interoperable public safety broadband network. It is designed to benefit public safety entities and the people of their community, not the federal government. Any reduction in the frequency of this activity would result in a proportional loss of benefit and would cause a delay in the implementation of an effective national, interoperable public safety broadband network and would reduce national, state and local emergency responses to the public and could cause loss of life and property.
7. This collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).
8. The Commission did published a notice in the Federal Register according to 5 CF 1320.8(d) on June 30, 2010 (75 FR 37800). No comment were received as a result of the notice.
9. No payment or gift was provided to the respondents.
10. There is no need for confidentiality.
11. This section does not address any private matters of a sensitive nature.
12. The following is provided for burden estimates. These estimates are based on FCC staff's knowledge and familiarity with the availability of the data required.

<u>Burden Requirements</u>	<u>Number of Respondents</u>	<u>Burden Totals</u>
Standard Lease	50	80 hours
		50 x 80 hours = 4,000 hours
Interoperability Showing	50	200 hours
		50 x 200 hours = 10,000 hours
Coordination with adjacent jurisdictions	50	8 hours
		50 x 8 hours = 400 hours

State coordination 50 12 hours

50 x 12 hours = **600 hours**

Demonstration of 50 1 hour
National Certification

50 x 1 hour = **50 hours**

Quarterly Status Reports 50 16 hours

50 x 16 x 4 = **3,200 hours**

Total Annual Burden = **4,000 + 10,000 + 400 + 600 + 50 + 3,200 = 18,250 hours.**

We assume that an engineer at the station/system would be responsible for these requirements. We estimate that this engineer would have an average salary of \$60/hour.

18,250 hours x \$60 = \$1,095,000 in in-house costs.

Total Burden Annual Cost = \$1,095,000.

13. Annual Cost Burden to the Respondent: There is no outside cost burden to respondents resulting from the collection of information.

14. Cost to the Federal Government: The Commission will use GS-13s (\$52.97/ hour) to process the information submitted to the Commission in connection with these requirements.

50 x 30 hours x \$52.97 = \$79,455

Total Cost to the Federal Government = \$79,455.

15. There is no change to the Commission's burden estimates.

16. The data will not be published.

17. OMB approval of the expiration date of the information collection will be displayed at 47 CFR Section 0.408.

18. There are no exceptions to item 19 on the OMB 83i.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.