

## SUPPORTING STATEMENT

### A. Justification:

1. The Commission is requesting Office of Management and Budget (OMB) approval for a revision of this information collection. The Commission is reporting a change in the number of responses. See item 15 for an explanation for the change in the Commission's burden estimates.

On January 6, 2010, the Commission adopted a *Report and Order*, FCC 10-7, IB Docket No. 05-216, which eliminated Part 23 rules because there are no International Fixed Public Radiocommunications Services (IFPRS) licenses in operation. This revision will eliminate a co-primary spectrum allocation for an outmoded service, and will facilitate operations by other services allocated to use those bands on a primary basis, such as by other Fixed Service (FS) operations and the Fixed Satellite Service (FSS), which provide, among other things, disaster recovery communications services.

The Commission's rules define IFPRS as a publicly available fixed service between the United States and foreign points. Part 23 was created in the 1930s. IFPRS more recently was made up of point-to-point microwave services. For many years, these facilities provided an important form of international communications. More recently, however, IFPRS has been limited to point-to-point microwave services provided between islands in the Caribbean Sea.

The Commission invited comment on a transition mechanism from the Part 23 rules to the Part 101 rules. The Commission also invited comment on revising the frequency allocation for IFPRS.

Finally, 47 CFR section 23.20, Assignment of Frequencies, was part of this information collection and with the elimination of Part 23 rules; it has been removed from this collection. The Commission is seeking OMB approval for this revision to this information collection.

On September 26, 1997, the FCC adopted a *Report and Order, Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico*, ET Docket No. 96-2, RM-8165, FCC 97-347, which established a Coordination Zone that covers the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra within the Commonwealth of Puerto Rico (The Puerto Rican Islands). The Coordination Zone requires applicants for new and modified radio facilities in various communications services within the Coordination Zone to provide notification of their proposed operations to the Arecibo Radio Astronomy Observatory (Observatory) at the time their applications are submitted to the Commission.

The Arecibo Radio Astronomy Observatory is part of the National Astronomy and Ionosphere Center and is located near Arecibo, Puerto Rico. The Coordination Zone and notification procedures enable the observatory to receive information needed to assess whether an applicant's proposed operations will cause harmful interference to the observatory's operations and will promote efficient resolution of problems through coordination between applicants and the observatory.

In accordance with OMB's 1996 Terms of Clearance for the NPRM, the Commission agreed with OMB that voluntary coordination is workable for most amateur radio operations, and is excluding from the Puerto Rico Coordination Zone a large number of amateur stations. However, we also agreed with Cornell University, operator of the Observatory, that new amateur beacon and repeater stations for licensees within 10 miles of the Observatory have a significant potential to cause interference to the Observatory, and we find that those amateur operations must be included in the Coordination Zone.<sup>1</sup>

OMB also "recommended that the Commission not require any additional formal filings for build-outs of Part 2 service boundary areas. Rather the Commission could and should require licensees to work with Cornell University to resolve interference problems. The FCC has permission to require various licensees to file technical information concerning their systems with the Observatory directly, but should encourage licensees to work out a coordination process among themselves."

The Commission is not adopting notification requirements for applicants for mobile or temporary base stations in land mobile radio services, including Part 22, but is including permanent base stations in such services in the Coordination Zone. Within the Coordination Zone, applicants in affected services are required to submit the technical parameters of the proposed service or modifications to an existing service. The FCC has found this requirement to be minimally burdensome.

With respect to OMB's recommendation that "the FCC should serve as an adjudicator of last resort," the Commission instructed Cornell University to develop interference guidelines to service applicants so that applicants may consider protection to the Observatory in the early design stage of radio facilities. Should a dispute arise between the Observatory and the applicant regarding whether the applicant has made a reasonable effort to avoid interference to the Observatory, the applicant may refuse to pay for any modifications or upgrades recommended by the Observatory and permit the Commission to resolve the dispute. To date the FCC has not received any request to serve as "adjudicator of last resort."

The collection is authorized under Sections 4(i), 303(c), 303(f), 303(g), 303(r) and 309(j)(13) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 303(c), 303(f), 303(g), 303(r), and 309(j)(13).

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. The information collected is used to facilitate coordination between the Observatory and Commission-licensed services in the Commonwealth of Puerto Rico. Applicants for new or modified radio communication facilities within the Coordination Zone are required to submit technical information concerning the applicant's proposed services to enable the Observatory to determine the potential for interference with its operations. The Observatory will perform

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<sup>1</sup> The Commission notes that although there may be an individual amateur radio operator or experimental user who might notify the Observatory of his/her proposed operations, even in this instance, the reason for notifying the Observatory is that a new service will be operating, rather than notifying the Observatory that a particular individual will be using that service.

interference evaluations at no cost to the applicants. If potential interference problems are identified, applicants are required to make reasonable attempts to resolve or mitigate such problems in order to protect the Observatory.

3. The Commission believes that approximately 90% of these applicants file their notification requirements electronically, electronically both to the Observatory and to the Commission, with the remaining 10% choosing to file paper applications. Applicants for amateur radio licenses currently file their applications with the Commission, but are not required to provide the Observatory with a copy. Applicants may file electronically if they choose to do so, and such electronic filing may reduce the paperwork burden.
4. As a “third party disclosure” requirement, some duplication of effort may be involved for applicants; however, reasonable efforts are necessary to satisfy the interference concerns of the Observatory.
5. The collection of information will not have a significant economic impact on a substantial number of small entities. The *Report and Order* imposes only a minor paperwork burden as a result of this notification requirement. In those instances where interference is found by the Observatory to be likely, the FCC believes that the potential burden on the applicants to modify their applications in order to avoid interference is justified as necessary for protecting the Observatory’s operations. The Commission also believes that the burden on applicants has been minimized by instituting electronic filing.
6. If the collection were not conducted, the Observatory would have to continue to check Commission public notices to learn of potential new facilities in the Puerto Rican Islands, a procedure that is burdensome and not foolproof. On the other hand, requiring applicants to notify the Observatory will not be burdensome for most applicants in light of the necessary protection issues, as noted above. Furthermore, the Observatory has volunteered to perform interference analyses at no cost to the applicants. In addition, the Commission believes that a Coordination Zone will facilitate cooperation between the Observatory and Commission applicants.
7. There are no special circumstances required for this collection.
8. The comment(s) of industry and the general public were solicited when the Commission published a 60 day notice in the *Federal Register* on October 21, 2010 (75 FR 65016). The Commission received no comments in response to the *Federal Register* Notice. However, the September 22, 2010 (75 FR 57792) notice incorrectly stated the Commission would submit this collection to the OMB as a delegated extension renewal. However, after publication it was discovered that this notice was incorrect and the Commission republished another corrected one requesting comment on the revision.
9. Respondents will not receive any payment.
10. There is no need for confidentiality.
11. There are no matters of a sensitive nature required for this collection.
12. Burden on the Respondent:

Based on an analysis of the authorizations granted in Puerto Rico, the FCC estimates that 200 entities per year are applying for 1,000 frequency assignments as licensees in the Coordination Zone. We also estimate that copies of approximately 90% (900) of these applications are filed electronically with the Observatory.

The time required for electronic filing is estimated to be 5 minutes per transaction (0.0833 hours) for a total annual burden of 75 hours annually:

$0.0833 \text{ hours} \times 900 = \mathbf{74.9 \text{ hours (rounded to 75 hours)}}.$

We estimate that copies of the remaining 10% (100) of the applications will be paper filed with the Observatory.

In this latter case, the applicant will generally photocopy his/her application and mail the photocopy to the Observatory. The estimated time to prepare, photocopy and mail each application will be 40 minutes (0.667 hours) for a total annual burden of 67 hours:

$0.667 \text{ hours} \times 100 = \mathbf{66.7 \text{ hours (rounded to 67 hours)}}.$

**Total Number of Respondents: 200.**

**Total Number of Responses Annually: 1,000.**

**Total Annual Hourly Burden:  $75 + 67 = 142 \text{ hours}$ .**

We note that the annual hourly burden per respondent will vary depending on the number of applications filed by each respondent and whether the application is filed electronically or on paper.

However, for the general purpose of this form, we will assume equal distribution of the burden over the 200 entities (respondents) applying for frequency assignments:

$142 \text{ total annual burden hours divided by } 200 \text{ entities} = 0.71 \text{ hours per entity (respondent)}.$

Assuming a clerical cost of \$10 per hour, the total annual “in house” cost burden per respondent is **\$7.10 per year**.

The cost for 200 respondents to convey information to the Observatory is estimated at \$10 per hour for clerical personnel, with a time of 0.71 hours (43 minutes) per entity (respondent):

**Total Annual “In House” Cost:  $200 \text{ respondents} \times \$7.10 \text{ per year} = \mathbf{\$1,420}$ .**

13. Cost to the Respondent:

- (a) Total Annualized Capital/Startup Costs: None.
- (b) Total Annual Costs (O&M): None.
- (c) Total Annualized Cost Requested: None.

14. There will be no additional cost to the Federal Government unless there is a dispute between the parties that cannot be resolved. The Observatory has volunteered to perform interference evaluations at no cost to the applicants, and potential interference problems are identified, applicants would be required to work with the Observatory in order to resolve them.
15. The Commission eliminated Part 23 rules because there are no International Fixed Public Radiocommunications Services licenses in operation. The previous submission to OMB (2007 submission) incorrectly reported 200 responses. Therefore, the Commission is correcting the number of responses (1,000) with this current submission to OMB. There is no change in the total burden hours.
16. This information collection will not be published.
17. The expiration date for OMB approval will be displayed in 47 CFR 0.408 of the Commission's rules.
18. There are exceptions to the Certification Statement in Item 19. The Commission planned on submitting this expiring information collection as a delegated extension to the OMB. However, after publication of the 60 day notice in the Federal Register, it was discovered that a rulemaking was adopted by another bureau that removed or eliminated Part 23 rules from the collection. Therefore, another 60 day notice was published to announce that the Commission would revise this IC because there are no International Fixed Public Radiocommunications Services (IFPRS) licenses in operation. The Commission submitted an emergency extension of the OMB expiration date on 10/14/10. This collection now expires on 5/31/11.

**B. Collection of Information Employing Statistical Methods:**

This information collection does not employ any statistical methods.