

SUPPORTING STATEMENT

A. Justification:

1. Background: On May 3, 2001, the Federal Communications Commission (“the Commission”) adopted a *Notice of Proposed Rulemaking (NPRM)* in the matter of the Year 2000 Biennial Review. The *NPRM* proposed to amend Part 22 of the Commission’s rules to modify or eliminate regulations that have become outdated as a result of technological change and increased competition in the Commercial Mobile Radio Services (CMRS). Subsequently, on August 8, 2002, the Commission adopted a *Report and Order*, and on September 10, 2002, adopted a *Second Report and Order* modifying and/or eliminating various rules that cover the Cellular Radiotelephone and other services under Part 22 that had become outdated due to supervening rules, technological change, or increased competition among providers of CMRS. Specifically, the Commission amended its rules to modify the requirement that cellular carriers provide analog service compatible with Advanced Mobile Phone Service (AMPS) specifications by establishing a five-year transition period after which the analog standard will not be required, but may still be provided.

On February 12, 2004, the Commission released an *Order on Reconsideration* in WT Docket No. 01-108, FCC 04-22, in which it affirmed many of the conclusions reached in the *Report and Order*. The Commission, however, reconsidered and adopted a proposal to permit existing cellular radiotelephone licensees to extend into adjacent unserved areas of less than fifty (50) square miles on a secondary basis without modifying their existing cellular geographic service area. Section 1.929 of the rules provides that an application or amendment is classified as minor or major. A carrier seeking to extend into adjacent unserved area must generally seek approval from the Commission by filing a major modification. Pursuant to the *Order on Reconsideration*, a carrier that seeks to extend into adjacent unserved area on a secondary basis need only file a minor amendment.

On December 15, 2004, in the Air-Ground proceeding in WT Docket Nos. 03-103, 05-42; FCC 04-287, the Commission adopted a Report and Order and Notice of Proposed Rulemaking (*Report and Order*) that revised a number of the Part 22 rules and eliminated a number of rule sections. These rule eliminations discontinued information collections (ICs) for the following rule sections: 22.157, 22.161, 22.411, 22.415, 22.417, 22.539, 22.551, 22.577, 22.655, 22.865, 22.869, and 22.875.

The purpose for eliminating the rules listed below is to eliminate duplicity in this collection, as they are accounted for under the following OMB control numbers:

Sections 1.913 (except subsection (f)), 1.924(a), (d), 1.931, 1.946(d)-(e), 1.949, 1.955, 22.107, 22.221(b), 22.317, 22.409(b), (c), (h), 22.413(b)(1), 22.503(k)(1)-(3), 22.507, 22.529, 22.807 (redesignated from § 22.803), 22.907, 22.911, 22.946(a), and 22.947(b) are covered by 3060-0798.

Sections 1.923, 1.934(a)(1), and 1.925 are covered by 3060-0798, 3060-0800, and 3060-1058.

Section 1.948(c)-(g) is covered by 3060-0799 and 3060-0800.

Section 1.948(h) is covered by 3060-0767, 3060-0799, and 3060-0800.

Section 1.919 (except subsection (f)) is covered by 3060-0799.

Sections 1.913(f) and 1.957 are covered by 3060-0850.

Section 22.321 is covered by 3060-0076.

Upon further review, Sections 1.927 (other than subsection (g)), 1.929, 1.934 (other than subsection (a)(1)), 1.945, 1.946(a)-(c), 1.948(a), (b), and (j), 22.1, 22.313, 22.567, 22.621, 22.623, and 22.625 are not ICs, but instead, are policies the Commission publishes in the public interest. Section 22.935(f) was duplicated in the last submission. Therefore, we remove the duplicate for it.

The information requested in this collection (see Attachment A for specific rules imposing burdens) provides the Commission with information to determine the legal, technical and other qualifications of applicants to operate a station in the Public Mobile Services. The information is also used to determine whether grant of an application will serve the public interest, convenience and necessity. The staff uses the information to ensure that applicants and licensees comply with ownership and transfer restrictions and otherwise comply with applicable regulatory requirements.

As noted on the Form OMB 83-I, a portion of this information collection does affect individuals or households. Thus, this collection is impacted by the Privacy Act.¹ The FCC's Wireless Telecommunications Bureau (WTB) maintains Internet software used by the public² to apply for licenses, participate in auctions for spectrum, and maintain license information.

The Commission has a System of Records, FCC/WTB-1, "Wireless Services Licensing Records," which covers the personally-identifiable information (PII) that

¹ OMB Memorandum M-03-22, Memorandum for Heads of Executive Departments and Agencies, *OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002*, September 26, 2003.

² The public includes individuals or households for purposes of the Privacy Impact Assessment, under the System of Records, WTB-1, Wireless Services Licensing Records. These include individuals who require help and/or password requests using the ULS, ASR, CORES and related systems and subsystems. Individuals include amateur licensees and individuals representing another person or licensee.

individual applicants may include in their submissions for licenses or grants of equipment authorization.³ At such time as the Commission revises this System of Records Notice (SORN), the Commission will conduct a Privacy Impact Assessment (PIA) and publish the revised SORN in the *Federal Register*. In addition, the Commission will post a copy of both the PIA and the SORN on the FCC's Privacy webpage.

The Commission is now seeking OMB approval for this information collection due to revisions to the recordkeeping requirements. See item 15 of this supporting statement.

Statutory authority for this collection of information is contained in 47 U.S.C. §§ 151(i), 154(j), 303, 308, 309 and 310 of the Communications Act of 1934, as amended.

2. The information collected pursuant to rules in Part 22 of the Commission's rules is primarily used by Commission staff to determine, on a case-by-case basis, whether or not to grant licenses authorizing construction and operation of wireless telecommunications facilities to qualified applicants and licensees, who supply this information when applying for such licenses. Additionally, the information is sometimes used by Commission staff to develop statistics about the demand for various wireless telecommunications licenses and about the performance of the licensing process itself, and on occasion for rule enforcement purposes. Because all application information is routinely and normally made public, interested persons, particularly licensees and their representatives, often review this information as it becomes available in order to determine whether they believe that the wireless telecommunications facilities proposed by applicants would affect any existing or planned wireless telecommunications facilities in which they have an interest. If an adverse effect is anticipated, such parties often use the information to help them prepare pleadings opposing a Commission grant of particular application(s).
3. Prior to finalizing rulemakings, the Wireless Telecommunications Bureau conducts an analysis to insure that improved information technology can be used to reduce the burden on the public. This information will be collected via an electronic form posted on the FCC Internet site. This will be the only means of collecting this information. No paper forms will be available for submitting requests to the WTB for support. This form is replacing free form e-mails submitted to the WTB Support Center for help. Electronic submission of these requests from the web site using a standardized form will speed delivery of service and relieves FCC staff from manually processing and tracking e-mail.
4. This agency does not impose a similar collection on the respondents. No similar information is available.

³ The system of records notice (SORN) for FCC/WTB-1, "Wireless Services Licensing Records," was published in the Federal Register on April 5, 2006, see 71 FR 17234, 17269. The SORN may also be viewed at <http://www.fcc.gov/omd/privacyact/records-systems.html>.

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. Collecting this information electronically will enable the Commission staff to execute the application and licensing process for wireless telecommunications facilities faster, and increase the time of response to questions, problems and/or difficulties experienced by auctions and licensing customers, when using the FCC's electronic filing systems. To collect this information otherwise would dramatically slow the processing of applications and licensing decisions.
7. Current data collection is consistent with 5 C.F.R. § 1320.6.
8. The public has been given the appropriate amount of time to comment on this information collection as required by 5 C.F.R. § 1320.8, via publication of the Notice in the Federal Register on May 2, 2011, 76 FR 24485. No comments in this proceeding were filed.
9. Respondents will not receive any payments.
10. There is a need for confidentiality with respect to filers who are individuals in this collection. Pursuant to § 208(b) of the E-Government Act of 2002, 44 U.S.C. § 3501, in conformance with the Privacy Act of 1974, 5 U.S.C. 552(a), the Wireless Telecommunications Bureau (Bureau) instructs licensees to use the FCC's Universal Licensing System (ULS), Antenna Structure Registration (ASR), Commission Registrations System (CORES), and related systems and subsystems to submit information.⁴ CORES is used to obtain an FCC Registration Number (FRN) and password, after which one must register all current call sign and ASR numbers associated with an FRN within the Bureau's system of records (ULS database). Although ULS stores all information pertaining to the individual licensee via the FRN, confidential information is accessible only by persons or entities that hold the password for each account and the Bureau's licensing staff. Upon the request for an FRN, the individual licensee is consenting to make publicly available, via the ULS database, all information that is not confidential in nature.
11. This collection does not address any private matters of a sensitive nature. As noted above in Question 1, this information collection may affect individuals or households. Any personally identifiable information that is submitted by individuals is covered by a SORN, WTB-1, "Wireless Services Licensing Records."

⁴ These instructions have been approved by the Office of Management and Budget (OMB) under Control Number 3060-1042.

12. Respondent Burden: Approximately 16,013 respondents⁵ will file per year, with a response time ranging from 15 minutes to 10 hours for a total burden of 5,974 hours. This estimate also includes estimates for the annual recordkeeping requirements that will be performed by in-house Administrative Assistants equivalent to the GS-9/5 level.

The reporting and record-keeping requirements are:

Section	Respondents	Hours Per Response	Total Hours
1.913 (other than subsection (f))		Burden calculated under 3060-0798.	
1.913(f)		Burden calculated under 3060-0850.	
1.919 (other than subsection (f)) ⁶		Burden calculated under 3060-0799.	
1.923	Burden calculated under 3060-0798, 3060-0800, and 3060-1058.		
1.924(a), (d)		Burden calculated under 3060-0798.	
1.924(g)	Over the last 3 years, the one licensee authorized in the band covered by this section has made no filing that would trigger the required filing.		
1.925	Burden calculated under 3060-0798, 3060-0800, and 3060-1058.		
1.927 other than subsection (g)	Upon further review, not a collection.		
1.927(g)	100	2	200
1.929	Upon further review, not a collection		
1.931		Burden calculated under 3060-0798.	
1.934 other than subsection (a)(1)	Upon further review, not a collection.		
1.934(a)(1)	Burden calculated under 3060-0798, 3060-0800, and 3060-1058.		
1.935	Over the last 3 years, we received less than 10 requests per year for withdrawal of mutually exclusive applications or pleadings related to a request for approval of settlement agreement.		
1.945	Upon further review, not a collection.		
1.946(a)-(c)	Upon further review, not a collection.		
1.946(d)-(e)		Burden calculated under 3060-0798.	
1.948(a), (b), and (j)	Upon further review, not a collection.		
1.948(c)-(g)		Burden calculated under 3060-0799 and 3060-0800.	
1.948(h)	Burden calculated under 3060-0767, 3060-0799, and 3060-0800.		
1.948(i)	50	2	100
1.949		Burden calculated under 3060-0798.	
1.955		Burden calculated under 3060-0798.	
1.956	Over the last 3 years, we've participated in less than ten settlement conferences per year.		
1.957		Burden calculated under 3060-0850.	
1.981	Over the last 3 years, we have received no developmental reports under this section.		
22.1	Upon further review, not a collection.		

⁵ The number of respondents has been averaged out over a three-year period in order to calculate the annual cost and hour burdens.

⁶ Section 1.919(f) is not applicable to the Part 22 services.

22.107		Burden calculated under 3060-0798.	
22.150	10	10	100
22.157	Deleted by FCC 04-287.		
22.161	Deleted by FCC 04-287.		
22.165(e)	300	1	300
22.165(i)*	This recordkeeping obligation burden is calculated under § 22.303.		
22.221(b)		Burden calculated under 3060-0798.	
22.303*	15,000	.25	3,750
22.313	Upon further review, not a collection.		
22.313(c)(1)*	200	.25	50
22.317		Burden calculated under 3060-0798.	
22.321		Burden calculated under 3060-0076.	
22.321*		Burden calculated under 3060-0076.	
22.371	12	1	12
22.409(b), (c), (h)		Burden calculated under 3060-0798.	
22.409(f)		Burden calculated under § 1.981.	
22.411	Deleted by FCC 04-287		
22.413(b)(1)		Burden calculated under 3060-0798.	
22.415	Deleted by FCC 04-287.		
22.417	Deleted by FCC 04-287.		
22.503(k)(1)-(3)		Burden calculated under 3060-0798.	
22.507		Burden calculated under 3060-0798.	
22.529		Burden calculated under 3060-0798.	
22.539	Deleted by FCC 04-287.		
22.551	Deleted by FCC 04-287.		
22.559	3	2 (2 responses)	12
22.567	Upon further review, not a collection.		
22.577	Deleted by FCC 04-287		
22.589	10	2	20
22.601		Burden calculated under § 22.150.	
22.603		Burden calculated under § 22.150.	
22.621	Upon further review, not a collection.		
22.623	Upon further review, not a collection.		
22.625	Upon further review, not a collection		
22.655	Deleted by FCC 04-287		
22.657(g)	2	2	4
22.709	10	3	30
22.711	10	1	10
22.719	Subsection (c) is virtually identical to § 22.709(e), and thus the collection burden is encompassed within the collection burden associated with § 22.709.		
22.807 ⁷		Burden calculated under 3060-0798.	
22.865	Deleted by FCC 04-287.		
22.869	Deleted by FCC 04-287.		

* These rule sections necessitate a record-keeping burden.

⁷ Formerly 47 C.F.R. § 22.803; changed by FCC 04-287.

22.873 ⁸	1	1	1
22.875 Deleted by FCC 04-287.			
22.907			Burden calculated under 3060-0798.
22.911			Burden calculated under 3060-0798.
22.929			Burden calculated under 3060-0798 or under § 22.953.
22.935 (all)			Less than 10 licensees/year affected for the last 3 years.
22.936(a), (b)			No dismissal applications in cellular proceedings expected at this time.
22.939			Pursuant to Commission Order FCC 10-86 rel. May 25, 2010, competing applications against cellular renewal applications may not currently be filed.
22.940			Pursuant to Commission Order FCC 10-86 rel. May 25, 2010, competing applications against cellular renewal applications may not currently be filed.
22.946(a)			Burden calculated under 3060-0798.
22.947(b)			Burden calculated under 3060-0798.
22.947(c)			Only one filing required by this rule section was due during the last 3 years, and at most, there will be one such filing due during the next three years.
22.953	300	4	1200
22.1037	5	1	5

Total Number of Respondents: 16,013.

Total Annual Burden Hours: 5,974.

Of the 813 respondents filing information, who we assume will use either an attorney or engineer, we estimate that 25% of them (203) will use in-house attorney(s) or engineer(s), and 75% of them (610) will contract out these duties @ \$200.00 per hour per filing. We would expect the cost to vary depending on the type of filing made.

13. Respondent Cost:

Section	Respondents	Total Hours	Cost
1.913 (other than subsection (f))			Burden calculated under 3060-0798.
1.913(f)			Burden calculated under 3060-0850.
1.919 (other than subsection (f)) ⁹			Burden calculated under 3060-0799.
1.923			Burden calculated under 3060-0798, 3060-800, and 3060-1058.
1.924(a), (d)			Burden calculated under 3060-0798.
1.924(g)			Over the last 3 years, the one licensee authorized in the band covered by this section has made no filing that would trigger the required filing.
1.925			Burden calculated under 3060-0798, 3060-800, and 3060-1058.
1.927 (other than subsection (g))			Upon further review, not a collection.
1.927(g)	100	200	x \$200/hr. = \$ 40,000.00
1.929			Upon further review, not a collection.
1.931			Burden calculated under 3060-0798.
1.934 (other than subsection (a)(1))			Upon further review, not a collection.

⁸ There is only one licensee that falls into this category and that must comply with this rule, and its filing will be due within the next year.

⁹ Section 1.919(f) is not applicable to the Part 22 services.

- 1.934(a)(1) Burden calculated under 3060-0798, 3060-0800, and 3060-1058.
- 1.935 Over the last 3 years, we received less than 10 requests per year for withdrawal of mutually exclusive applications or pleadings related to a request for approval of settlement agreement.
- 1.945 Upon further review, not a collection.
- 1.946(a)-(c) Upon further review, not a collection.
- 1.946(d)-(e) Burden calculated under 3060-0798.
- 1.948(a), (b), and (j) Upon further review, not a collection.
- 1.948(c)-(g) Burden calculated under 3060-0799 and 3060-800.
- 1.948(h) Burden calculated under 3060-0767, 3060-0799, and 3060-800.
- 1.948(i) 50 100 x \$200/hr. = \$ 20,000.00
- 1.949 Burden calculated under 3060-0798.
- 1.955 Burden calculated under 3060-0798.
- 1.956 Over the last 3 years, we've participated in less than ten settlement conferences per year.
- 1.957 Burden calculated under 3060-0850.
- 1.981 Over the last 3 years, we have received no developmental reports under this section.
- 22.1 Upon further review, not a collection.
- 22.107 Burden calculated under 3060-0798.
- 22.150 10 100 x \$200/hr. = \$ 20,000.00
- 22.157 Deleted by FCC 04-287.
- 22.161 Deleted by FCC 04-287.
- 22.165(e) 300 300 x \$200/hr. = \$ 60,000.00
- 22.221(b) Burden calculated under 3060-0798.
- 22.313 Upon further review, not a collection.
- 22.317 Burden calculated under 3060-0798.
- 22.321 Burden calculated under 3060-0076.
- 22.371 12 12 x \$200/hr. = \$ 2,400.00
- 22.409(b), (c), (h) Burden calculated under 3060-0798.
- 22.409(f) Burden calculated under § 1.981.
- 22.411 Deleted by FCC 04-287.
- 22.413(b)(1) Burden calculated under 3060-0798.
- 22.415 Deleted by FCC 04-287.
- 22.417 Deleted by FCC 04-287.
- 22.503(k)(1)-(3) Burden calculated under 3060-0798.
- 22.507 Burden calculated under 3060-0798.
- 22.529 Burden calculated under 3060-0798.
- 22.539 Deleted by FCC 04-287.
- 22.551 Deleted by FCC 04-287.
- 22.559 3 12 x \$200/hr. = \$ 2,400.00
- 22.567 Upon further review, not a collection.
- 22.577 Deleted by FCC 04-287.
- 22.589 10 20 x \$200/hr. = \$ 4,000.00
- 22.601 Burden calculated under § 22.150.
- 22.603 Burden calculated under § 22.150.

22.621	Upon further review, not a collection.			
22.623	Upon further review, not a collection.			
22.625	Upon further review, not a collection.			
22.655	Deleted by FCC 04-287.			
22.657(g)	2	4	x \$200/hr. = \$	800.00
22.709	10	30	x \$200/hr. = \$	6,000.00
22.711	10	10	x \$200/hr. = \$	2,000.00
22.719	Subsection (c) is virtually identical to § 22.709(e), and thus the collection burden is encompassed within the collection burden associated with § 22.709.			
22.807 ¹⁰	Burden calculated under 3060-0798.			
22.865	Deleted by FCC 04-287.			
22.869	Deleted by FCC 04-287.			
22.873 ¹¹	1	1	x \$200/hr. = \$	200.00
22.875	Deleted by FCC 04-287.			
22.907	Burden calculated under 3060-0798.			
22.911	Burden calculated under 3060-0798.			
22.929	Burden calculated under 3060-0798 or under § 22.953.			
22.935 (all)	Less than 10 licensees/year affected for the last 3 years.			
22.936(a), (b)	No dismissal applications in cellular proceedings expected at this time.			
22.939	Pursuant to Commission Order FCC 10-86 rel. May 25, 2010, competing applications against cellular renewal applications may not currently be filed.			
22.940	Pursuant to Commission Order FCC 10-86 rel. May 25, 2010, competing applications against cellular renewal applications may not currently be filed.			
22.940(b)	Less than 10 respondents per year in the last 3 years.			
22.946(a)	Burden calculated under 3060-0798.			
22.947(b)	Burden calculated under 3060-0798.			
22.947(c)	Only one filing required by this rule section was due during the last 3 years, and at most, there will be one such filing due during the next three years.			
22.953	300	1200	x \$200/hr. = \$	360,000.00
22.1037	5	5	x \$200/hr. = \$	1,000.00

Total Annual Cost Burden is: \$518,800.00

14. The Mobility Division of the Wireless Telecommunications Bureau is primarily responsible for administering the Public Mobile Radio Service. Hence, the cost to the Federal Government would be the annual personnel budget for the Division. We estimate that the Commission would take an Engineer at the GS 14/3 level, thirty minutes per submission, at a cost of \$19.00 per hour to examine and maintain these submissions.

$$813 \text{ (respondents)} \times .50 \text{ (hours)} \times \$53.77 \text{ (Engineer)} = \$21,857.51$$

TOTAL "ANNUAL" COST TO THE FEDERAL GOVERNMENT IS: \$21,857.51

¹⁰ Formerly 47 C.F.R. § 22.803; changed by FCC 04-287.

¹¹ There is only one licensee that falls into this category and that must comply with this rule, and its filing will be due within the next year.

15. This information collection has been adjusted to reflect that various instruments have been eliminated due the fact that they are being reported in other information collections. The eliminated instruments have resulted in a -56,861 decrease of the hour burden and a -\$6,124,250 decrease to the cost burden.
16. The data will not be published for statistical use.
17. No expiration date will need to be displayed since these requirements are contained in rule sections.
18. There are no exceptions to Item 19.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.

ATTACHMENT A

Part 1 -- PRACTICE AND PROCEDURE

Subpart F – Wireless Telecommunications Services Applications and Proceedings

1.924	Quiet zones
1.927	Amendment of applications
1.935	Agreements to dismiss applications, amendments or pleadings
1.948(i)	Trafficking showing
1.956	Settlement conference
1.981	Reports, annual and semi-annual

Part 22 – PUBLIC MOBILE SERVICES

Subpart A -- Scope and Authority

Subpart B – Licensing Requirements and Procedures

22.150	Standard pre-filing technical coordination procedure
22.165	Additional transmitters for existing systems

Subpart C – Operational and Technical Requirements

22.303	Retention of station authorizations; identifying transmitters*
22.371	Disturbance of AM broadcast station antenna patterns

Subpart D – Developmental Authorizations

Subpart E – Paging and Radiotelephone Service

22.559	One-way paging application requirements
22.589	One-way or two-way application requirements
22.657	Transmitter locations

Subpart F – Rural Radiotelephone Service

22.709	Rural radiotelephone service application requirements
22.711	Provision of information to applicants
22.719	Additional channel policy for rural radiotelephone stations

Subpart G – Air-Ground Radiotelephone Service

22.873 Construction period for commercial aviation air-ground systems
(3 & 5 yr. notifications)

Subpart H – Cellular Radiotelephone Service

22.935 Procedures for comparative renewal proceedings
22.936 Dismissal of applications in cellular renewal proceedings
22.939 Site availability requirements for applications competing with
cellular renewal applications
22.940 Criteria for comparative cellular renewal proceedings
22.947 Five year build-out period
22.953 Content and form of applications

Subpart I – Offshore Radiotelephone Service

22.1037 Application requirements for offshore stations