

SUPPORTING STATEMENT

A. Justification:

1. FCC Form 854 is to be used to register structures used for wire or radio communication service in any area where radio services are regulated by the Commission; to make changes to existing registered structures or pending applications; or to notify the Commission of the completion of construction or dismantlement of structures, as required by Title 47 of the Code of Federal Regulations, Chapter 1, Part 17 (FCC Rules Part 17).

Section 303(q) of the Communications Act of 1934, as amended, requires the Commission to require the painting and/or illumination of radio towers in cases where there is a reasonable possibility that an antenna structure may cause a hazard to air navigation. In 1992, Congress amended Sections 303(q) and 503(b)(5) of the Communications Act: 1) to make antenna structure owners, as well as Commission licensee's and permittee's responsible for the painting and lighting of antenna structures, and 2) to provide that non-license antenna structure owners may be subject to forfeiture for violations of painting or lighting requirements as specified by the Commission.

Currently, each antenna structure owner proposing to construct or alter an antenna structure that is more than 60.96 meters (200 feet) in height, or that may interfere with the approach or departure space of a nearby airport runway must notify the Federal Aviation Administration (FAA) of proposed construction. The FAA determines whether the antenna structure constitutes a potential hazard, and may recommend appropriate painting and lighting for the structure. The Commission then uses the FAA's recommendation to impose specific painting and/or lighting requirements on subject licensees.

In a Report and Order released on November 30, 1995, WT Docket No. 95-5, the Commission adopted rules to streamline the Commission's antenna structure clearance process and to decrease the number of redundant filings. The previous procedures were replaced with a uniform registration procedure that applied to antenna structure owners. Requiring owners, rather than tenant licensees, to register and notify the Commission concerning changes to the antenna structures (1) reduces certain filings by a factor of 12 to 1, (2) eliminates thousands of duplicative notifications from licensees each year, and (3) reduces administrative burdens for 900,000 licensees nationwide. Registering antenna structures reduces economic and administrative burdens on the public and the Commission. When a structure owner for one reason or another does not register a structure, it then becomes the responsibility of the tenant licensees to ensure that the structure gets registered.

The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance from them. The Commission is requesting OMB approval for an extension of this information collection (no change to the reporting, recordkeeping and/or third part disclosure requirements).

The statutory authority for this collection of information is contained in 47 U.S.C. Sections 303(q), 154, 303, 301 and 309.

Records may include information about individuals or households, *e.g.*, personally identifiable information or PII, and the use(s) and disclosure of this information are governed by the requirements of a system of records notice or 'SORN', FCC/WTB-1, "Wireless Services Licensing Records." The SORN is published at 71 FR 17234 (April 5, 2006). There are no additional impacts under the Privacy Act.

2. One of the Commission's primary responsibilities is to ensure that antenna structures do not pose a threat to air safety. The information will be used by the Commission to maintain a current registration database which increases air safety by allowing the FAA and the Commission to identify potential hazards.

For third party disclosure requirements, we estimate that each structure owner will spend approximately one hour complying with the requirement of providing a copy of the FCC 854R (the registration received after FCC Form 854 is filed) to each tenant licensee and permittee. The registration number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. There is no additional time burden placed on the respondent for these third party requirements. Again, information about individuals or households, and the use(s) and disclosure of this information is governed by the requirements of system of records, FCC/WTB-1. All information within the Antenna Structure Registration (ASR) is publicly available except materials which are afforded confidential treatment under 47 CFR 0.459 if provided.

3. The Commission has implemented electronic filing of FCC Form 854. This has allowed the Commission to eliminate the registration backlog since it permits owners to register immediately upon receipt of an FAA "no hazard" determination for the antenna structure. The electronic filing capability also enables the owner to register the structure with the Commission and receive a registration number within minutes. Approximately 99.9% of the antenna structure owners are filing electronically. By providing this electronic filing option, we satisfy the public concerns regarding speed of service, while registering antenna structures in a timely manner.
4. This agency does not impose a similar information collection on the respondents. There are no similar data 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 those absolutely necessary for evaluating and processing each application and to deter against possible abuses of the processes.
6. The frequency of filing is determined by the structure owners who need only notify the Commission of a new antenna structure, when modifying or dismantling an existing structure, or when changing ownership of antenna structures. No renewal of the registration is required. There is little benefit in mandating a renewal process for tens of thousands of owners, when only a small percentage will need to update registration information in the next 5 or 10 years. For ULS, structure owners may also notify the Commission of an amendment to a pending application for antenna structure registration, cancel a registered structure, request a duplicate of an antenna structure registration or withdraw a pending application for antenna structure registration, all by filing FCC Form 854.

7. This collection of information is consistent with the guidelines in 5 CFR § 1320.6.
8. The Commission published a notice in the *Federal Register* on May 31, 2011 (76 FR 31332).
No comments were received as a result of the notice. A copy of the Federal Register Notice is referenced in this submission to the OMB.
9. Respondents will not receive any payments.
10. Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR §0.459 of the FCC rules.

Information on the FCC Form 854 is maintained in the Commission's system of records notice or 'SORN', FCC/WTB-1, "Wireless Services Licensing Records." These licensee records are publicly available and routinely used in accordance with Subsection (b) of the Privacy Act, 5 U.S.C. 552a(b), as amended. Material that is afforded confidential treatment pursuant to a request made under 47 CFR §0.459 will not be available for public inspection.

The Commission has in place the following policy and procedures for records retention and disposal: records will be actively maintained as long as the individual remains a tower owner. Paper records will be archived after being keyed or scanned into the system. Electronic records will be backed up on tape. Electronic and paper records will be maintained for at least twelve years and three months.

11. This collection does not address private matters of a sensitive nature, and the PII is covered by the system of records notice or 'SORN', FCC/WTB-1, "Wireless Services Licensing Records".
12. The Commission estimates that **4,500 FCC Form 854 applications** will be filed with the Commission on an annual basis. Therefore, 90% of the respondents (4,050 antenna structure owners) will complete, file and keep records of the applications without outside assistance and that the *average* burden per respondent is 30 minutes (0.5 hours). The remaining 10% of the respondents (450) will contract out to law firms for the completion of the forms. These respondents will spend approximately 30 minutes coordinating this information with outside parties and keeping records of the files. This estimate is based on FCC staff's knowledge and familiarity with the availability of the data required. Therefore, the burden for respondents is as follows:

4,050 applicants x 1 form per respondent x 30 minutes (0.5 hours)/application = **2,025 hours**
450 applicants x 1 form per respondent to coordinate information and keep records x 30 minutes (0.5 hours/form) = **225 hours**

Total for this requirement: 2,025 + 225 = 2,250 hours

In addition to filing the required forms, FCC Rule 47 CFR 17.4(f) requires that the structure owner immediately provide a copy of the Antenna Structure Registration to each tenant licensee and permittee, once received by the FCC. The registration number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure pursuant to FCC Rule 47 CFR Section 17.4(g).

We estimate that each antenna structure owner will spend approximately one hour complying with this third party disclosure requirement. These parties will not require outside assistance to comply with this requirement. Therefore, the burden on respondents for this requirement is as follows:

4,500 copies of the Antenna Structure Registration (respondents requiring no outside assistance) x 1 hour = 4,500 hours

Cumulative Total Annual Burden: 2,250 + 4,500 = **6,750 hours.**

“In-house cost”: Antenna structure staff members are paid at a comparable pay to a mid to senior level federal employee, \$35 per hour to fulfill the filing and record keeping requirements.

2,250 hours x \$35 per hour = **\$78,875.**

We anticipate structure owners will utilize clerical staff to comply with the third party disclosure requirement. The estimated pay for these employees is estimated at \$7 per hour.

4,500 hours x \$7 per hour = **\$31,500.**

Total In-House Cost to the Respondents = \$78,875 + \$31,500 = **\$110,375.**

13. Cost to the Respondent:

We estimate the start up costs for the third party disclosure requirements are as follows:

There are, on average, 12 tenant licensee/permittees on each antenna structure.

Photocopying costs for 12 copies @ \$.15 each = \$1.80

Frame for posting registration number on structure = \$10.00

Cost for the Third Party Disclosure: 11.80 X 4,500 = **\$53,100**

We estimate that 10% of the respondents (450) will contract out the completion and filing of the form to a law firm at the approximate cost of \$300 per hour at 30 minutes per application.

450 respondents x 30 minutes (0.5 hours)/application x \$300 per hour = \$67,500

Total Respondent Costs: \$53,100 + \$67,500 = \$120,600

14. Cost to the Federal Government:

FCC Form 854 applications estimated to be filed: 5 (99.9% of 4,500 respondents file electronically)

The applications filed manually will be data entered by a contractor @ \$34.08 per hour.

5 applications x 5 minutes (.084) each @ \$34.08 per hour = \$14.31.

Sub-Total	\$14.31
Overhead Costs (25%)	\$ 3.58

TOTAL Cost to the Federal Government: \$17.89

15. There are no program changes to this collection. There are adjustments/increases to the annual cost burden of \$22,600 which are due to increases in consulting fees from \$200/hour to \$300/hour.

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

17. The Commission is requesting a continued waiver from displaying the OMB expiration date on the FCC Form 854. Granting this waiver will prevent the Commission from having to update computer versions and thus reduce waste. All OMB-approved information collections are published in 47 CFR 0.408. This section includes the OMB control number, title of the collection and the OMB expiration date.

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

This information collection does not use any statistical methods.