

SUPPORTING STATEMENT

A. Justification:

1. FCC Form 620 is the **New Tower (NT) Submission Packet** to be completed by or on behalf of Applicants to construct new antenna support structures by or for the use of licensees of the Federal Communications Commission (“FCC”).

FCC Form 621 is the **Collocation (CO) Submission Packet** is to be completed by or on behalf of Applicants who wish to collocate an antenna or antennas on an existing communications tower or non-tower structure by or for the use of licensees of the Federal Communications Commission (“FCC”).

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

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 party disclosure requirements).

Statutory authority for this information collection is contained in Sections 1, 4(i), 303(q), 303(r), 309(a), 309(j) and 319 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 303(q), 303(r), 309(a), 309(j) and 319, Section 106 of the National Historic Preservation Act (NHPA) of 1966, 16 U.S.C. § 470f, and Section 800.14(b) of the rules of the Advisory Council on Historic Preservation, 36 C.F.R. § 800.14(b).

2. The data is used by FCC staff, State Historic Preservation Officers (“SHPO”), Tribal Historic Preservation Officers (“THPO”), and the Advisory Council on Historic Preservation (“ACHP”) to take such action as may be necessary to ascertain whether a proposed action may affect historic properties that are listed or eligible for listing in the National Register as directed by Section 106 of the NHPA and the Commission’s rules.
3. Electronic Filing is available but not mandatory, it is estimated that approximately 1/3 of applicants will use this option.
4. This agency does not impose a similar information collection on the respondents. There is no similar data available.
5. In conformance with the Paperwork Reduction Act of 1995, the Commission made an effort to minimize the burden on all respondents, regardless of size. Further, because the Nationwide Agreement sought to streamline review procedures of certain undertakings

for communications facilities under Section 106 of the NHPA, the Commission believes that the use of these forms minimize reporting and collecting burdens upon its applicants.

6. This collection is required in order to assist FCC staff in monitoring compliance with Commission regulations pursuant to Section 1.1307(a)(4), thereby ensuring the Commission's own compliance with the NHPA.
7. This collection of information is consistent with the guidelines in sections 5 CFR 1320.5(d) (2) & 1320.6.
8. The Commission published a notice in the Federal Register on June 2, 2011 (76 FR 31958), seeking public comment on the information collection requirements contained in this supporting statement. 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. In general, there is no need for confidentiality for respondents. On a case by case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites. See 16 U.S.C. § 470w-3.
11. This collection does not address private matters of a sensitive nature.
12. This collection consists of five components, which correspond to aspects of the Section 106 Review process when an applicant proposes to construct an antenna structure or co-locate an antenna that is not covered under the Collocation Programmatic Agreement.

The five components are: a) the Initial Assessment by the Applicant to determine whether an exclusion may apply; b) the Consultation Process with the SHPO/THPO, affected Indian Tribes and consulting parties; c) Mitigation of Adverse Effect; d) Dispute Resolution between the SHPO/THPO and the Applicant; and e) the Recordkeeping burden.

We estimate that **12,000 respondents** annually will be subject to these requirements and file **12,000 responses** annually. This estimate is based on Tower Construction Notification System (TCNS) filings with the assumption that projects filed in TCNS are also subject to this collection.

a. Initial Assessment:

In order to meet this requirement, we anticipate that applicants will utilize an in-house staff engineer and a NEPA analyst to determine whether exclusion would obviate the need for further review. These hour and cost burdens will be internal burdens absorbed by the company. The burden hours for the record keeping requirement that clerical staff will fulfill will be accounted for under item (e.) below. All 12,000 respondents fall into this category.

12,000 (respondents) x 2 (1 hour/per engineer and 1 hour/per NEPA analyst)/project =
24,000 Burden Hours

Alternatively, the agreement proposes that applicants must always contact potentially affected Indian Tribes, even if exclusion applies. The NEPA analyst will need to send letters to those tribes affected. We estimate that it will take an additional .5 hour per project for the analyst to complete this task.

12,000 respondents x .5 hr (analyst)/project = 6,000 hours

Total Burden Hours: 24,000 hours + 6,000 = **30,000 hours**

In-House Cost: It should take an engineer 1 hour at \$32.00/hour, and a NEPA analyst 1 hour at \$25.00/hour, to assess the average project.

12,000 respondents x 1 hr (engineer)/project x \$32/hour = \$384,000
+ 12,000 respondents x 1.5 hr (analyst)/project x \$25/hour = \$450,000
Total "In-House" Cost Burden: \$834,000

b. Consultation: The respondent will hire an outside consultant to fulfill most of this requirement. See question #13 for the cost to the respondent for the consultant fulfilling the requirement. The applicant will need 1 staff clerical person to compile and maintain files for this requirement. We estimate that this record keeping burden will require 1 clerical person for 1 hour per project at \$10.00/hour. On average, 60% (7,200) of the 12,000 respondents will fall into this category.

7,200 respondents x 1 (in-house clerical) x 1 hr = 7,200 hours
Total Hour Burden Hours: 7,200 hours

In-House Cost: The clerical staff member is estimated to be paid at \$10.00/hour to fulfill the record keeping requirement.

7,200 respondents x 1 (in-house clerical) x 1 hr x \$10/hour = \$72,000
Total "In-house" Cost Burden: \$72,000

c. Mitigation of Adverse Effect:

The recommendation by a SHPO/THPO of an adverse effect, if accepted, requires the applicant, the Commission, and the SHPO/THPO to negotiate and sign a Memorandum of Agreement ("MOA") to mitigate the adverse effect. In order to meet this requirement, applicants will need an outside consultant and 1 clerical person. See question #13 for the cost for the consultant to fulfill the requirement on behalf of the respondent. For the clerical person the burden is 1 hour at a cost of \$10.00 per hour. On average, 5% (600) of the 12,000 respondents will endure adverse effects.

600 applicants x 1 hr (clerical) = 600 hours
Total Hour Burden = 600 hours

600 applicants x 1 hr (clerical person) x \$10.00/hr = \$6,000
Total "In House" Cost = \$6,000

d. Dispute Resolution Between SHPO/THPO and the Applicant:

Meeting this requirement may require the applicant to hire an attorney to help resolve before the Commission any dispute that may arise between the SHPO/THPO and the applicant. See question #13 for the cost incurred by the respondent for hiring a consulting attorney to fulfill the requirement on behalf of the respondent. Record keeping burden is incurred by all parties. On average, .2% (24) of the 12,000 respondents will fall into this category.

24 applicants x 1 hr (SHPO/THPO clerical) = 24 hours
24 applicants x 1 hr (clerical) = 24 hours
Total Hour Burden = 48 hours

24 applicants x 1 hr (SHPO/THPO clerical) x \$10.00/hr = \$240.00
24 applicants x 1 hr (clerical) x \$10.00/hr = \$240.00
Total "In-House" Cost = \$480.00

e. Recordkeeping Burden:

In order to meet this requirement, applicants will need one clerical person for 1 hour to compile and maintain the files for each project at \$10.00/hour. The hour and cost burden will be internal burdens absorbed by the company.

Total Burden Hours: 12,000 applicants (keeping records) x 1 hr (clerical) = **12,000 hours**

Total In-house Cost: 12,000 applicants (keeping records) x 1 hr (clerical) x \$10.00 = **\$120,000**

TOTAL CUMCULATIVE ANNUAL BURDEN HOURS: a) 30,000 + b) 7,200 + c) 600 + d) 48 + e) 12,000 = **49,848 hours**

TOTAL CUMCULATIVE ANNUAL "IN-HOUSE COSTS: a) \$834,000 + b) \$72,000 + c) \$6,000 + d) \$480 + e) \$12,000 = **\$924,480**

13. The operational and maintenance costs associated with this collection are as follows:

a. Initial Assessment: **Zero (0)**

b. Consultation: Meeting this requirement will require one outside consultant for each tower constructed. The consultant identifies all historic properties, including traditional cultural properties, which may be affected. The consultant is also responsible for sending correspondence to the appropriate tribes and other consulting parties. Further, the consultant publishes public notices to notify the public of each project and mails those notices to all tribes and consulting parties. Publication cost per notice is \$100.00. The cost of mailing documents associated with the project is approximately \$10.00. On average, 60% (7,200) of the 12,000 respondents will fall into this category.

We estimate that the consulting process will be a 10 hour process at a cost of \$125.00 per hour.

7,200 applicants x \$125.00/hr (consultant) x 10 hrs = \$9,000,000

FEES: 7,200 responses x \$100.00 (publication fee) = \$ 720,000
7,200 responses x \$10.00 (mailing fee) = \$ 72,000
\$9,792,000

c. Mitigation of Adverse Effect:

In order to meet this requirement, applicants will need an outside consultant. We estimate that the process will take approximately 3 hours of consultant time at \$125.00/hour. On average, 5% (600) of the 12,000 respondents will endure adverse effects.

600 applicants x \$125/hr (consultant) x 3 hrs = **\$225,000**

d. Dispute Resolution Between SHPO/THPO and the Applicant:

Meeting this requirement may require the applicant to hire an attorney to help resolve before the Commission any dispute that may arise between the SHPO/THPO and the applicant at a cost of \$300 per hour.

24 applicants x \$300/hr (attorney) x 3 hrs = **\$21,600**

e. Recordkeeping Burden: **Zero (0)**.

TOTAL ANNUAL COST BURDEN IS: a) Zero + b) \$9,792,000 + c) \$225,000 + d) \$21,600 + e) Zero = **\$10,038,600 total annual cost**

14. The cost to the Commission (Federal Government) is calculated as follows: the cultural specialist is estimated to have an hourly wage equal to a GS 11 step 5 (\$33.92/hr), the attorney’s hourly wage is estimated at a GS 14 step 5 (\$57.13/hr), and the clerical staff member is estimated to have an hourly wage of a GS 5 step 5 (\$18.50/hr). The FCC will utilize an attorney and a cultural resources specialist to arbitrate the dispute and to decide the case if a settlement cannot be reached by the parties. Further, one clerical person will be needed to compile and maintain records. Also, there is a mailing cost of \$10.00 incurred by the FCC for mailing findings to the ACHP.

24 applicants x 3 hrs (commission Atty) x \$57.13./hr =	\$4,113.36
24 applicants x 3 hrs (commission cultural spec.) x \$33.92./hr =	\$2,442.24
24 applicants x 1 hr (commission clerical) x \$18.50/hr =	\$ 444.00
24 applicants x \$10.00 (mailing fee) =	<u>\$ 240.00</u>
TOTAL COST TO THE FEDERAL GOV’T:	\$7,239.60

15. There are no program changes to this collection. However, there are adjustments/decreases to the annual burden hours of 74,040 hours. The burden hours decreased from the last approved collection to this submission from 123,888 hours to 49,848 hours. The Commission reevaluated how it previously calculated the burden for this collection. Some of the figures were previously double counted. With this submission, we correct those calculations. Also, there is an increase in the annual cost burden of \$785,304. This increase is due to an increase 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 waiver from displaying the OMB expiration date on the FCC Form 620 & FCC Form 621. The Commission will use an edition date in lieu of an OMB expiration date. Additionally, the Commission publishes all OMB-approved information collections (including the OMB expiration date) in 47 CFR 0.408.

18. There are no exceptions to the “Certification Statement.”

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.