

OMB Control No. 3060-1063
Global Mobile Personal Communications
By Satellite (GMPCS) Authorization,
Marketing and Importation Rules
January 2013

SUPPORTING STATEMENT

1. Justification:

The Federal Communications Commission ("Commission") is requesting that the Office of Management and Budget (OMB) approve a three-year extension of OMB Control No. 3060-1063 (delegated authority collection) titled, "Global Mobile Personal Communications By Satellite (GMPCS) Authorization, Marketing and Importation Rules."

Background

Radio-frequency (RF) devices are imported into the United States from foreign countries on a daily basis. RF devices are capable of causing harmful interference to radio and satellite systems in the United States. In addition to Global Mobile Personal Communications by Satellite (GMPCS) devices, RF devices include television receivers, microwave ovens, and virtually any product containing a computer microprocessor, computers, computer peripherals and video games.

The Federal Communications Commission ("Commission") has the regulatory authority under Section 302 of the Communications Act of 1934, as amended, to prevent radio-emitting devices that do not meet the standards it prescribes for prevention of interference from being placed on the market in the United States. Specifically, subsection 302(a) provides that the Commission may adopt regulations pertaining to the interference potential of radio-frequency devices that apply to manufacture, importation, sale, offer for sale, or shipment of such devices. Subsection 302(b) prohibits the manufacture, importation, sale, offer for sale, or shipment of devices that do not comply with such FCC regulations. The Commission's principal rule pertaining to importation is stated in 47 C.F.R. Subsection 2.1204(a): devices subject to mandatory equipment authorization under Part 2 may be imported only if they have been so authorized, and devices not subject to such an equipment authorization requirement may be imported if they meet all applicable technical and administrative requirements in the Commission's rules.

Interested parties must obtain equipment authorization pursuant to the certification procedure in Part 2 of the Commission's rules. The Part 2 certification procedure requires submission of the "Application for Equipment Authorization" (FCC Form 731) and exhibits to the Commission, including test data showing that a representative sample unit of the devices that would be covered by the certification meets the Commission's applicable technical requirements. Each device subject to certification must be etched, engraved, or permanently labeled with an identification number, preceded by the term "FCC ID." Devices subject to this requirement may not be sold or leased, offered for sale or lease, or imported, shipped, or distributed for sale or lease in the United States prior to grant of a pertinent certification application. The requirement applies to GMPCS transceivers (i.e., earth-station transceivers that are "portable," as defined in

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47 C.F.R. Subsection 25.129(b)) that are imported, sold, leased, shipped, or distributed after November 19, 2004. This new certification requirement for portable GMPCS transceivers helps to prevent interference, reduce radio-frequency (“RF”) radiation exposure risk, and make regulatory treatment of portable GMPCS transceivers consistent with treatment of similar terrestrial wireless devices, such as cellular phones.

Applicants for certification are required to file the “Application for Equipment Authorization” (FCC Form 731) with the Commission. (Note: FCC Form 731 is approved by the OMB under OMB Control Number 3060-0057). Additionally, applicants must file the “Statement Regarding the Importation of Radio Frequency Devices Capable of Harmful Interference, (FCC Form 740) with the U.S. Customs. Upon request, the U.S. Customs provides information to the Commission with regard to the importation of radio frequency devices that may cause harmful interference to telecommunications services in the United States. (Note: FCC Form 740 is approved by the OMB under OMB Control Number 3060-0059). The information collections, 3060-0057 and 3060-0059, are managed by staff in the Commission's Office of Engineering and Technology (OET).

The PRA-related rule sections applicable to this information collection are Title 47 CFR Sections 2.801 *et seq.*, 2.1033, 2.1204, and 25.129.

The Commission has authority for this information collection pursuant to Sections 4(i), 301, 302(a), 303(e), 303(f), 303(g), 303(n), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. § 4(i), 301, 302(a), 303(e), 303(f), 303(g), 303(n), and 303(r).

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

2. The procedure for obtaining equipment certification is prescribed in Part 2 of the Commission’s rules. The certification procedure requires submission of an application (FCC Form 731) and exhibits to the Commission, including test data showing that a representative sample unit of the devices that would be covered by the certification, meets the Commission’s applicable technical requirements. The requirement applies to GMPCS devices imported, sold, leased, shipped, or distributed after November 19, 2004. The purpose of this information collection is to establish a certification requirement for portable GMPCS transceivers to prevent interference, reduce radio-frequency (“RF”) radiation exposure risk, and make regulatory treatment of portable GMPCS transceivers consistent with treatment of similar terrestrial wireless devices, such as cellular phones.

3. This information collection involves two applications: (1) Application for Equipment Authorization (FCC Form 731) that is filed with the Commission and (2) Statement Regarding the Importation of Radio Frequency Devices Capable of Harmful Interference (FCC Form 740) that is filed with U.S. Customs. It is estimated that 100 percent of applicants file the FCC Form 731 on the Commission’s Office of Engineering and Technology (OET) Laboratory Division

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Electronic Filing Site. It is estimated that 100 percent of applicants file the FCC Form 740 on the U.S. Customs' Automated Broker Interface.

Application for Equipment Authorization (FCC Form 731)

The Form 731 and exhibits are submitted electronically to the Commission or on paper if the applicant requests a special waiver. In addition, applicants may, at their discretion, submit requests for equipment authorization to Telecommunications Certification Bodies (TCB's), which act on behalf of the Commission in issuing grants of authorization to market certain types of equipment. Equipment authorization applicants are generally individuals or companies that are on the cutting edge of technology and are, therefore, well equipped to make maximum use of electronic media and the Internet to file an application with the Commission. The FCC has determined that electronic submission of applications is the most efficient means of facilitating data base development, corresponding with an applicant, providing information on application status, and providing information on authorized equipment to the general public. Approximately 100 percent of all FCC Form 731's are filed electronically with the Commission on the OET Laboratory Division Electronic Filing Site. (Note: Please reference OMB Control Number 3060-0057).

Statement Regarding the Importation of Radio Frequency Devices Capable of Harmful Interference (FCC Form 740)

The Commission allows electronic filing of required declaration information directly to the U.S. Customs using their Automated Broker Interface. U.S. Customs provides information to the Commission. It is estimated that approximately 100 percent of applicants use the U.S. Customs' electronic filing system. (Note: Please reference OMB Control Number 3060-0059).

4. The information in this collection is not duplicated elsewhere and similar information is not available. Please note that the FCC Form 731 is approved under OMB Control Number 3060-0057 and FCC Form 740 is approved under OMB Control Number 3060-0059. However, the information collections include all filings of FCC Forms 731 and 740 rather than only filings of applications specifically related to GMPCS devices. Furthermore, the rule sections referenced in this information collection were not included under OMB Control Numbers 3060-0057 and 3060-0059.

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5. To obtain authorization required under the rules for importation, distribution, or sale of portable, land-based earth-station transceivers, test data must be submitted to prove that the devices meet pertinent technical requirements in the Commission's rules. Because such testing would be necessary in any event to ensure that the devices can be lawfully operated in compliance with existing rule requirements, the Commission does not believe that the requirement to submit test data will have a significant adverse economic impact on anyone. The Commission postponed the effective date of the authorization requirement for one year, moreover, to afford adequate time in advance for obtaining such authorization and for disposing of uncertificated devices in current inventories. Therefore, the Commission certifies that the equipment authorization requirement will not have significant economic impact on a substantial number of small entities.

6. The Commission is requiring that applicants obtain authorization for the equipment by submitting an application and exhibits, including test data. If the Commission did not obtain such information, it would not be able to ascertain whether the equipment meets the FCC's technical standards for operation in the United States. Furthermore, the data is required to ensure that the equipment will not cause catastrophic interference to other telecommunications services that may impact the health and safety of American citizens.

7. The collection of information will not be conducted in any manner known to be inconsistent with the guidelines stipulated in 5 C.F.R. 1320.

8. On September 11, 2012, the Commission published a 60-day notice (77 FR 55838) in the Federal Register to solicit comments from the public on this information collection. The comment period ended on November 13, 2012. No comments were received from the public.

9. The Commission will not provide any payment or gift to respondents for fulfilling their information collection requirements.

10. The Commission does not provide assurances of confidentiality to entities submitting their filings to the Commission. However, entities may request confidential treatment of their applications and filings under 47 C.F.R. 0.459 of the Commission's rules. With regard to certifications filed pursuant to Part 2 of the Commission's rules, parties receive minimal exemption from the Freedom of Information Act (FOIA).

11. The collection does not ask questions of a sensitive nature.

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12. The respondents include a total of 19 entities: nine (9) satellite service providers and ten (10) equipment manufacturers that manufacture GMPCS equipment outside of the United States for this information collection.

Explanation of Burden Estimate	Number of Responses ¹	Frequency of Response	Time Per Response	Total Annual Burden Hours
47 CFR 2.1033(a) Application for certification shall be filed on FCC Form 731	19	1 On occasion	24 Hours	456
47 CFR 2.801 and 47 U.S.C. 302 Statement Regarding the Importation of Radio Frequency Devices Capable of Harmful Interference (FCC Form 740)	19	1 On occasion	1 Hour	19
47 CFR 2.1033(c) GMPCS operators must file a technical report with the Commission	19	1 On occasion	4 Hours	76
47 CFR 2.1204 Written approval must be obtained from the Chief, Office of Engineering and Technology (OET) if an individual or entity plans to import over 200 radio frequency devices into the United States	19	1 On occasion	1 Hour	19
47 CFR 25.129 Prior authorization must be obtained pursuant to the equipment certification procedure in Part 2, Subpart J	19	1 On occasion	2 Hours	38
47 CFR 25.129 Applicants for certification must submit any additional equipment test data necessary to demonstrate compliance with pertinent technical standards.	19	1 On occasion	2 Hours	38
47 CFR 25.129 Applicants for certification must submit evidence that the devices in question are designed for use with a satellite system that may lawfully provide service to users in the U.S. pursuant to an FCC license or order reserving spectrum.	19	1 On occasion	2 Hours	38
Totals:	19		1-24 Hours	684 Hours

¹ The respondents will file 19 applications total. The items listed below will accompany the applications filed.

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13. The total annual costs burden to respondents or recordkeepers resulting from the collection of information are as follows: (a) start-up costs are zero (\$0) and (b) operations and maintenance costs are **\$12,065**.

$$\text{FCC Form 731 Application Filing Fee } \$635 \times 19 \text{ applications}^2 = \mathbf{\$12,065}$$

14. The FCC Forms 731 and 740 are reviewed by staff in the Office of Engineering and Technology (OET). Please reference the current Supporting Statements for OMB Numbers 3060-0057 and 3060-0059 with regard to the Federal government costs.

15. This Supporting Statement reflects an adjustment of +\$380 to the annual costs for increases in the application filing fees.

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

17. We do not seek approval to not display the expiration date of OMB approval of the collection.

18. On September 11, 2012, the Commission published a 60-day notice (77 FR 55838) in the Federal Register. In the Notice, the Commission stated that the annual cost burden is \$11,685. The annual cost burden is corrected with this submission to \$12,065. There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.

² Filing fees are applicable to FCC Form 731. There are no fees associated with the filing of FCC Form 740.