

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 The *NPRM* proposed to amend Part 22 of the Commission’s rules to modify or eliminate regulations that have become outdated as a result of technological change and increased competition in the Commercial Mobile Radio Services (CMRS).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eliminating various rules that cover the Cellular Radiotelephone and other services under Part 22 that had become outdated due to supervening rules, technological change, or increased competition among providers of CMRS.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 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.

A portion of this information collection does affect individuals or households. Thus, this collection is impacted by the Privacy Act.<sup>1</sup> The FCC's Wireless Telecommunications Bureau (WTB) maintains Internet software used by the public<sup>2</sup> 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 individual applicants may include in their submissions for licenses or grants of equipment authorization.<sup>3</sup> 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 approval from the Office of Management and Budget (OMB) approval for an extension of this information collection for a three year time period.

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

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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>.

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.
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.
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 7, 2014 (79 FR 26248). No comments were received from the public.
9. Respondents will not receive any payments for this collection of information.

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.<sup>4</sup> 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.”
12. *Respondent Burden:* Approximately 16,013 respondents<sup>5</sup> will file per year, with a response time ranging from 15 minutes to 10 hours for a total burden of 5,794 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:

<b>Section</b>	<b>Respondents/Responses</b>	<b>Hours Per Response</b>	<b>Total Hours</b>
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.		
1.927(g)	100	2	200
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.		
1.948(i)	50	2	100

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

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

1.956	Over the last 3 years, we've participated in less than ten settlement conferences per year.			
1.981	Over the last 3 years, we have received no developmental reports under this section.			
22.150		10	10	100
22.165(e)		300	1	300
22.165(i)*	This recordkeeping obligation burden is calculated under § 22.303.			
22.303*		15,000	.25	3,750
22.313(c)(1)*		200	.25	50
22.371		12	1	12
22.559		3	4	12
22.589		10	2	20
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.			
22.873 <sup>6</sup>		1	1	1
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.			

<sup>6</sup>\* This rule section necessitates a recordkeeping burden.

<sup>?</sup> There is only one licensee that falls into this category that must comply with this rule. That respondent makes up the universe of its respondent pool, and thus, requires OMB approval.

22.940	Pursuant to Commission Order FCC 10-86 rel. May 25, 2010, competing applications against cellular renewal applications may not currently be filed.		
22.947(c)	The Commission does not expect any filings under this rule section during the next three years.		
22.953	300	4	1,200
22.1037	5	1	5

**Total Number of Respondents: 16,013**

**Total Number of Responses: 16,013**

**Total Annual Burden Hours: 5,794 hours**

**In-house costs:** The Commission estimates that in-house staff at the equivalent of a GS-11step 5 (\$34.26/hour) will fulfill the requirements. Therefore, the in-house costs are:

$$5,794 \text{ hours} \times \$34.26/\text{hour} = \mathbf{\$198,502.44}$$

13. Respondent Costs:

Of the 16,013 respondents filing information, we estimate that 75% (12,010) of them will also need outside assistance from contracting attorneys or engineers to fulfill the requirements. We estimate that the contractors will be paid \$275<sup>7</sup> per hour and it should take them roughly a total of 6 hours per response. Therefore, the external costs are as follows:

$$12,010 \text{ responses} \times \$275/\text{hour} \times 6 \text{ hours/response} = \mathbf{\$19,816,500}$$

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<sup>7</sup> The Commission arrived at \$275/hour based on the following calculation: an attorney is estimated to be paid \$300/hour and an engineer is estimated to be paid \$250/hour, so the average of the two hourly rates due to the Commission not knowing if an engineer or attorney will fulfill the requirements is  $\$300 + \$250 = \$550/2 = \$275/\text{hour}$ .

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 14/5 level, thirty minutes per submission, at a cost of \$57.70 per hour to examine and maintain these submissions. There is an estimated 813 submissions that will be made to the Commission annually.

$$813 \text{ responses} \times .5 \text{ hours/response} \times \$57.70/\text{hour} = \$23,455.05$$

**TOTAL “ANNUAL” COSTS TO THE FEDERAL GOVERNMENT IS: \$23,455.05**

15. The Commission has the following adjustments/decreases to the annual burden hours of 180 hours and adjustments/increases to the annual costs of \$19,297,700. The decrease to the annual burden hours is due to the Commission thoroughly reevaluating the burden hours for this collection. The increase in the annual costs is due to the hourly rate for the contracting attorney or engineer increasing from \$200/hour to \$275/hour and also the Commission thoroughly reevaluating the costs for this collection.

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 Certification Statement.

**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
22.313	Station identification
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