

SUPPORTING STATEMENT

A. Justification:

1. On February 15, 2012, Federal Communications Commission (“Commission”) adopted and released a *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 12-40; FCC 12-20, to amend Parts 1 and 22 of the Commission’s rules to change the licensing model for the 800 MHz Cellular Radiotelephone (“Cellular”) Service from site-based to geographic-based, and to delete obsolete provisions associated with the legacy site-based regime. Subsequently, on November 7, 2014, the Commission adopted a *Report and Order (“R&O”)* in that same proceeding (WT Docket No. 12-40; FCC 14-181). The revised Cellular Service licensing model adopted in the *R&O* eliminates certain filing requirements that have outlived their usefulness in this mature commercial wireless service that was launched in the early 1980s; it also streamlines application content requirements and certain other filing requirements that remain in place, reflecting technological changes and increased competition among Cellular Service providers, and deletes obsolete provisions associated with the legacy site-based regime.

The Commission is now seeking approval from the Office of Management and Budget (“OMB”) for a revision of this information collection.

History:

On May 3, 2001, 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 The *NPRM* proposed to amend Part 22 of the Commission’s rules to modify or eliminate regulations that had become outdated as a result of technological change and increased competition in the Commercial Mobile Radio Services (CMRS).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modifying or eliminating various rules that cover the Cellular Service and other services under Part 22 that had become outdated due to supervening rules, technological change, or increased competition among providers of CMRS. 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 Service licensees to extend into adjacent unserved area of less than fifty (50) square miles and provide service on a secondary basis without modifying their licensed cellular geographic service area, but required a filing classified as a minor modification under Section 1.929 of the rules.

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.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 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.

Statutory authority for this collection of information is contained in 47 U.S.C. §§ 154, 222, 303, 309 and 332 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

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.

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>.

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.
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 (79 FR 72173) on December 5, 2014. 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.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.”
12. *Respondent Burden:* Approximately 15,713 respondents⁵ will file per year, with a response time ranging from 15 minutes to 10 hours for a total burden of 4,894 hours. This estimate also includes estimates for the annual recordkeeping requirements that will be performed by in-house Administrative Assistants equivalent to the GS-11/5 level.

The reporting and record-keeping requirements are:

Section	Respondents/Responses	Hours Per Response	Total Hours
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

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

⁵ 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)	This collection burden is encompassed within the collection burden associated with § 22.953.			
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 ⁶		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.			

^{6*} This rule section necessitates a recordkeeping burden.

[?] 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.

22.953 300 2 600

22.1037 5 1 5

Total Number of Respondents: 15,713

Total Number of Responses: 15,713

Total Annual Burden Hours: 4,894 hours

In-house costs: The Commission estimates that in-house staff at the equivalent of a GS-11 step 5 (\$34.60/hour) will fulfill the requirements. Therefore, the in-house costs are:

$$4,894 \text{ hours} \times \$34.60/\text{hour} = \mathbf{\$169,332.40}$$

13. Respondent Costs: Of the 15,713 respondents filing information, we estimate that 75% (11,785) of them will also need outside assistance from contracting attorneys or engineers to fulfill the requirements. We estimate that the contractors will be paid \$275⁷ per hour and it should take them roughly a total of 6 hours per response. Therefore, the external costs are as follows:

$$11,785 \text{ responses} \times \$275/\text{hour} \times 6 \text{ hours/response} = \mathbf{\$19,445,250}$$

14. Federal Government Costs: 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 assign an Engineer at the GS 14/5 level, and that it would take the Engineer thirty minutes per submission, at a cost of \$58.28 per hour to examine and maintain these submissions. There are an estimated 813 submissions that will be made to the Commission annually.

⁷ 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 $\$300 + \$250 = \$550/2 = \$275/\text{hour}$.

813 responses x .5 hours/response x \$58.28/hour = \$23,690.82

TOTAL “ANNUAL” COSTS TO THE FEDERAL GOVERNMENT IS: \$23,690.82

15. The Commission has program changes to the information collection to reflect the adoption of the *R&O* in WT Docket No. 12-40, FCC 14-181, which eliminates the need for certain Cellular Service applications and streamlines filing requirements that remain in place. Specifically, the Commission has decreased the number of respondents by 300, the number of responses by 300, the annual burden hours by 900 hours, and the annual cost by \$371,250.

There are no adjustments to 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
22.953 Content and form of applications

Subpart I – Offshore Radiotelephone Service

22.1037 Application requirements for offshore stations