Sections 17.4, 17.48 and 17.49, Antenna Structure Registration Requirements **3060--0645 February 2015**

SUPPORTING STATEMENT

A. Justification:

1. The Commission is requesting a revision of this information collection requirement because it is updating, clarifying and streamlining the obligations of antenna structure owners.

The Commission has adopted a Report and Order (*Order*) in WT Docket No. 10-88, FCC 14-117 that revises the Commission's rules governing the construction, marking and lighting of antenna structures. The Commission initiated this proceeding to update and modernize the Commission's rules.

The Commission is requesting approval from the Office of Management and Budget (OMB) for the disclosure, reporting, and record keeping requirements pertaining to Part 17 of the Commission's rules. In order to clarify the obligations of antenna structure owners and conform the Commission's regulations to the Federal Aviation Administration's (FAA) practice, the Commission adopted changes to certain sections of the Commission's Part 17 rules. These changes are intended both to promote aircraft navigation safety and to ease regulatory burdens by streamlining regulations and reducing confusion. The revised collection requirements contained in the Part 17 amendments are necessary to implement a uniform registration process as well as safe and effective lighting procedures for owners of antenna structures. The following are the information collection requirements:

• 17.4(f) - Antenna structure owners are currently required to provide tenant licensees with a copy of the antenna registration. This rule is being revised to provide that antenna structure owners may either provide a copy or a link to the FCC antenna structure website. The revised rules provide that this notification may be done electronically or via paper mail.

• 17.4(g) - Antenna structure owners are currently required to display the Antenna Structure Registration Number in a conspicuous place that is readily visible near the base of the antenna. The rule is being revised to require that the Antenna Structure Number is displayed so that it is conspicuously visible and legible from the publicly accessible area nearest the base of the antenna structure along the publicly accessible roadway or path. It is also being revised to provide that where an antenna structure is surrounded by a perimeter fence, or where the point of access includes an access gate, the Antenna Structure Registration Number should be posted on the perimeter fence or access gate. In addition, the rule is being revised to require that where multiple antenna structures having separate Antenna Structure Registration Numbers are located within a single fenced area, the Antenna Structure Registration Numbers must be posted both on the perimeter fence

or access gate and near the base of each antenna structure. Finally, the rule is being revised to require that, if the base of the antenna structure has more than one point of access, the Antenna Structure Registration Number must be posted so that it is visible at the publicly accessible area nearest each such point of access.

• 17.48(a) - Section 17.48(a) currently requires that antenna structure owners promptly report outages of top steady burning lights or flashing antenna structure lights to the FAA. Upon receipt of the outage notification, the FAA will issue a Notice to Airmen (NOTAM), which notifies aircraft of the outage. However, the FAA cancels all such notices within 15 days. Currently, the Commission's rules do not require antenna structure owners to provide any notification to the FAA regarding the status of repairs other than the initial outage report and the resumption of normal operation. Thus, if the repairs to an antenna structure's lights require more than 15 days, the FAA may not have any record of the outage from that 15th day to the resumption of normal operation.

This rule is being revised to require antenna structure owners to provide the FAA with regular updates on the status of their repairs of lighting outages so that the FAA can maintain notifications to aircraft throughout the entire period of time the antenna structure remains unlit. Consistent with the current FAA requirements, if a lighting outage cannot be repaired within the FAA's original NOTAM period, the revised rule will require the antenna structure owner to notify the FAA of that fact. In addition, the revised rule provides that the antenna structure owner must provide any needed updates to its estimated return-to-service date to the FAA. The revised rule will also require antenna structure owners to continue to provide these updates to the FAA every NOTAM period until its lights are repaired.

• 17.49 - Section 17.49 currently requires antenna structure owners to maintain a record of observed or otherwise known extinguishments or improper functioning of structure lights, but does not specify the time period for which such records must be maintained. This rules is being revised to require antenna structure owners to maintain a record of observed or otherwise known extinguishments or improper functioning of structure lights for two years and provide the records to the Commission upon request.

Statutory authority for this information collection is contained in Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

This collection of information does not affect individuals or households; thus, there are no impacts under the Privacy Act. However, respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

2. The information is used by the Commission during investigations related to air safety or radio frequency interference, as well as by the Commission, the FAA, and members of the public to ensure aircraft navigation safety when lighting is observed to be malfunctioning or extinguished. A registration number is issued to identify antenna structure owners in order to enforce Congressional mandated provisions related to the

owners. The Commission finds that these collections are necessary to effectuate the obligations of antenna structure owners, ensure aircraft navigation safety when lighting is observed to be malfunctioning or extinguished, and eliminate unnecessary postings.

3. These are disclosure, notification, and record keeping requirements. The use of information technology is feasible for notification and record keeping in this situation.

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 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 to preserve aircraft navigation safety, while reducing the burden on small entities. The Commission believes whatever burdens small entities may incur in complying with these requirements are warranted by the overall benefit to the public from increased aircraft navigation safety as well as to antenna structure owners by overall streamlining of regulations.

6. The information is collected only when structure lights function improperly and when Antenna Structure Registration numbers are assigned. Less frequent submissions are not possible.

7. There are no special circumstances associated with this collection of information. Current data collection is consistent with 5 CFR 1320.

8. The Commission initiated a 60-day public comment period which appeared in the *Federal Register* on December 29, 2014 (79 FR 78088). No comments were received as a result of the notice.

9. Respondents will not receive any payments associated with this collection of information.

10. There is no need for confidentiality with this information collection.

11. There are no private matters or questions of a sensitive nature with this collection.

12. There are four (4) parts to this collection: Part A covers the provision of copies of the antenna registration to tenant licensees and permittees; Part B covers the ASR number display; Part C covers the outage notice; and Part D covers the record retention.

<u>Part A: 17.4(f) - ASR copies to licensees and permittees.</u>

We estimate that each year 55,000 Form 854R antenna registration forms will be filed. Copies of each filed form would be required to then be sent, likely by email, to each tenant licensees or permittees on the registered tower, on average approximately 8 tenant licensees and permittees. It is estimated that a secretary would spend six minutes (.1 hours) per Form 854R to complete this task.

Total Number of Annual Respondents: **20,000**

20,000 Tower Owners = 20,000 Annual Respondents.

Total Number of Annual Responses: **440,000**

55,000 Form 854Rs filed x 8 tenants (licensees and permittees) to be notified = 440,000 Annual Responses.

Total Annual Burden Hours: 44,000 hrs.

440,000 Responses x .1 hrs/response = 44,000 Annual Burden Hours.

Total Annual "In-House" Cost for Part A: $528,000

We assume that a secretary, at $12 an hour, will provide copies of each Form 854R to the appropriate tenants.

440,000 Responses x .1 hrs/Form 854R x $12.00/hr.=$528,000

Part B: 17.4(g) - ASR Number Display.

There have been changes to the display requirements since the previous supporting statement that will increase the burden for the initial compliance year and marginally on an annual basis thereafter. As noted above, where multiple antenna structures having separate Antenna Structure Registration Numbers are located within a single fenced area, the Antenna Structure Registration Numbers must be posted both on the perimeter fence or access gate and near the base of each antenna structure. Also, if the base of the antenna structure has more than one point of access, the Antenna Structure Registration Number must be posted so that it is visible at the publicly accessible area nearest each such point of access. For those current tower structures requiring multiple postings, the increased burden would be only for year one of the collection. Any other multiple postings would apply only to a percentage of new structures and current structures that acquire additional points of access. Therefore, the burden hours for year-one of the collection will likely be larger than each subsequent year of the collection.

We estimate that there are currently approximately 20,000 tower owners that own 117,000 constructed towers and approximately 14,000 licensed unconstructed towers. We also estimate that there will be approximately 2,500 new towers registered each year of the collection. Out of the total number of towers during the first year, 133,500, we estimate that 10% would be required to post at a second location, 1% would be required

to post at third location and 1% at an additional access point for a total of 17,028 respondents. In the second year, we estimate that 10% of the 2500 new towers would be required to post at a second location, 1% of that number would be required to post at a third location, and 1% of total number of towers (136,000) would be required to post at an additional access point for a total of 1,635 respondents. Finally, during the third year we estimate that 10% of the 2500 new towers would be required to post at a second location, 1% of that number would be required to post at a third location, and 1% of total number of towers (138,500) would be required to post at an additional access point for a total of 1,660 respondents. Therefore, there would be approximately 138,500 towers that would be subject to this collection at the end of the 3-year period. We estimate that 10% of the current towers will be required to post at a second location, and that 10% of those will be required to post at a third location. The percentage of respondents required to post at 4 or more locations will be nominal. We also estimate that there will be approximately 1% of the current structures will acquire additional points of access.

Therefore, we estimate that there will be 17,028 responses for this collection in the first year of the collection, 1,635 responses for this collection in year two and 1,660 responses for this collection in year three, for an average of 6,775 responses. We also estimate that reporting will require 0.2 hours for each occurrence. Over the 3 years of this collection, we estimate that there will be, on average, approximately 136,000 towers that would be subject to this collection. We also estimate that there will be a 3-year average of approximately 1,360 structures per year that acquire additional points of access that would be subject to this collection. The Commission expects that the tower owners will post the display(s) using in-house staff technician at $20 an hour.

Year 1 of the collection:

Total Number of Annual Respondents: **20,000**

20,000 Tower Owners = 20,000 Annual Respondents.

Total Number of Annual Responses: **16,020**

((117,000 constructed towers + 14,000 licensed unconstructed towers + 2,500 new towers) x .1 (10% of total towers for posting at a second location)) + ((133,500 towers) x (1% of towers requiring a posting at a third location)) + ((133,500 towers) x (1% of towers requiring a posting at an additional point of access)) x 1 display each =

(133,500 towers x .1) + ((133,500 towers) x .01) + ((133,500 towers) x .01) x 1 display each =

(13,350 towers) + (1,335 towers) + (1,335 towers) x 1 display each = 16,020 Annual Responses.

Total Annual Burden Hours: 3,204 hrs.

16,020 Responses x 1 display each x .2 hrs/response = 3,204 Annual Burden Hours.

Total Annual "In-House" Cost for Part B: $64,080

We assume that the tower owners will post the display(s) using in-house staff technician at $20 an hour.

16,020 Responses x 1 display each x .2 hrs/response x $20.00/hr.=$64,080

***Year 2 of the collection*:**

Total Number of Annual Respondents: **20,000**

20,000 Tower Owners = 20,000 Annual Respondents.

Total Number of Annual Responses: **1,635**

((2,500 new towers) x .1 (10% of new towers posting at a second location)) + ((2,500 new towers) x (1% of towers requiring a posting at a third location)) + ((136,000 towers) x (1% of towers requiring a posting at an additional point of access)) x 1 display each =

(2,500 new towers x .1) + (2,500 new towers x .01) + (136,000 towers x .01) x 1 display each =

(250 towers) + (25 towers) + (1,360 towers) x 1 display each = 1,635 Annual Responses.

Total Annual Burden Hours: 327 hrs.

1,635 Responses x 1 display each x .2 hrs/response = 327 Annual Burden Hours.

Total Annual "In-House" Cost for Part B: $6,540

We assume that the tower owners will post the display(s) using in-house staff technician at $20 an hour.

1,635 Responses x 1 display each x .2 hrs/response x $20.00/hr.=$6,540

***Year 3 of the collection*:**

Total Number of Annual Respondents: **20,000**

20,000 Tower Owners = 20,000 Annual Respondents.

Total Number of Annual Responses: **1,660**

((2,500 new towers) x .1 (10% of new towers posting at a second location)) + ((2,500 new towers) x (1% of towers requiring a posting at a third location)) + ((138,500 towers) x (1% of towers requiring a posting at an additional point of access)) x 1 display each =

(2,500 new towers x .1) + (2,500 new towers x .01) + (138,500 towers x .01) x 1 display each =

(250 towers) + (25 towers) + (1,385 towers) x 1 display each = 1,660 Annual Responses.

Total Annual Burden Hours: 332 hrs.

1,660 Responses x 1 display each x .2 hrs/response = 332 Annual Burden Hours.

Total Annual "In-House" Cost for Part B: $6,640

We assume that the tower owners will post the display(s) using in-house staff technician at $20 an hour.

1,660 Responses x 1 display each x .2 hrs/response x $20.00/hr.=$6,640

***Totals for Part B of the collection*:**

Average Number of Annual Respondents for Part B of the collection: 20,000

Average Number of Annual Responses for Part B of the collection: (Year 1 (16,020) + Year 2 (1,635) + Year 3 (1,660)) / 3 = 6,438

Average Number of Annual Burden Hours for Part B of the collection: (Year 1 (3,204) + Year 2 (327) + Year 3 (332)) / 3 = 1,288

Average Annual "In-House" Cost for Part B of the collection: (Year 1 ($64,080) + Year 2 ($6,540) + Year 3 ($6,640)) / 3 = $25,753

Part C 17.48(a) - Outage Notice.

We estimate that there are currently approximately 20,000 tower owners that own 117,000 constructed towers and approximately 14,000 licensed unconstructed towers. Over the 3 years of this collection, we estimate that there will be an additional 2,500 towers constructed per year. Therefore, on average, there would be approximately 136,000 towers that would be subject to this collection. We estimate that 10% of the towers will have malfunctioning lights that would require FAA notification. We also estimate that 10% of the malfunctions requiring FAA notification will also be required to notify the FAA a second time, and that 10% of those will be required to notify a third time. The percentage of respondents required to notify 4 or more times for a single malfunction will be nominal. Therefore, we estimate that there will be 15,096 responses

for this collection. We also estimate that reporting will require 0.1 hours for each occurrence.

Total Number of Annual Respondents: **2,000**

20,000 tower owners x .10 (percentage of the towers that will have malfunctioning lights that would require notification) = 2,000 Annual Respondents.

Total Number of Annual Responses: **15,096**

(136,000 towers x .10 (percentage of the towers that will have malfunctioning lights that would require notification)) + (136,000 towers x .01 (percentage of the towers that will have malfunctioning lights that would require a second notification)) + (136,000 towers x .001 (percentage of the towers that will have malfunctioning lights that would require a third notification)) = (13,600 + 1,360 + 136) = 15,096 Annual Responses.

Total Annual Burden Hours: 1,510 hrs.

15,096 Responses x 0.1 hr./response = 1,510 Annual Burden Hours.

Total Annual "In-House" Cost for Part C: $18,115

We assume that the tower owners will send the notification(s) using in-house staff secretary at $12 an hour.

15,096 Responses x 0.1 hr./response x $12.00/hr.=$18,115

Part D 17.49 – Record Retention.

We estimate that there are currently approximately 20,000 tower owners that own 117,000 constructed towers and approximately 14,000 licensed unconstructed towers. Therefore, there would be approximately 20,000 tower owners that would be subject to this collection. Over the 3 years of this collection, we also estimate that there will be an additional 2,500 towers constructed per year. Therefore, on average, there would be approximately 136,000 towers that would be subject to this collection. We also estimate that ensuring record retention compliance will require .25 hours per notification per tower.

Total Number of Annual Respondents: **20,000**

20,000 tower owners = 20,000 Annual Respondents.

Total Number of Annual Responses: **13,600**

136,000 towers x .10 (percentage of the towers that will have malfunctioning lights that would require notification) = 13,600 towers x 1 annual record per tower = 13,600 Annual Responses**.**

Total Annual Burden Hours: 3,400 hrs.

13,600 towers x 1 annual record x .25 hrs./notification = 3,400 Annual Burden Hours.

Total Annual "In-House" Cost for Part D: $40,800

We assume that the tower owner will ensure record retention compliance by using in-house staff secretary at $12 an hour.

13,600 towers x 1 annual record x .25 hrs./notification x $12.00/hr.= $40,800

Total Number of Annual Respondents for the entire collection: 20,000

Total Number of Annual Responses for the entire collection: Part A (440,000) + Part B (6,438) + Part C (15,096) + Part D (13,600) = 475,134

Total Number of Annual Burden Hours for the entire collection: Part A (44,000) + Part B (1,288) + Part C (1,510) + Part D (3,400) = 50,198

Total Annual "In-House" Cost for the entire collection: Part A ($528,000) + Part B ($25,753) + Part C ($18,115) + Part D ($40,800) = $612,668

13. Estimated annual cost to respondents:

Part A: 17.4(f) - ASR copies to licensees and permittees.

(a) Total Annualized Capital/Startup Cost: None

(b) Total annual costs (O&M): None

(c) Total annualized cost requested: None

There will be no annualized costs incurred by the respondents from part A of the collection.

Part B:17.4(g) - ASR Number Display.

(a) Total Annualized Capital/Startup Cost: $64,380.

Capital/Startup Cost: (Annual Responses Year 1 (16,020) + Annual Responses Year 2 (1,635) + Annual Responses Year 3 (1,660)) / 3 = 6,438 (Average Number of Annual Responses) x 1 display each x $10/display frame and hardware to post = $64,380.

(b) Total annual costs (O&M): None

(c) Total annualized cost requested: $64,380

Part C: 17.48(a) - Continuous Outage Notice.

(a) Total Annualized Capital/Startup Cost: None

(b) Total annual costs (O&M): None

(c) Total annualized cost requested: None

There will be no annualized costs incurred by the respondents from part C of the collection.

Part D: 17.49 – Two Year Record Retention.

(a) Total Annualized Capital/Startup Cost: None

(b) Total annual costs (O&M): None

(c) Total annualized cost requested: None

There will be no annualized costs incurred by the respondents from part D of the collection.

Total Number of Annualized Capital/Startup Costs Requested for the entire collection: Part A ($0) + Part B ($64,380) + Part C ($0) + Part D ($0) = $64,380.

Total Number of Annual Costs (O&M) Requested for the entire collection: Part A ($0) + Part B ($0) + Part C ($0) + Part D ($0) = $0.

Total Number of Annualized Cost Requested for the entire collection: Part A ($0) + Part B ($64,380) + Part C ($0) + Part D ($0) = $64,380.

14. There are no costs to the Federal Government because: (1) the third-party disclosure is between the antenna structure owner and tenant licensees; (2) posting the registration number near the antenna structure is done by the antenna structure owner and involves no federal cost; (3) notification of lighting outages to the FAA is done by the antenna structure owner and results in FAA, not FCC, action; and (4) reporting lighting outages in the antenna structure owner's records in and of itself requires no federal action. Disclosures will not be actively monitored in the absence of consumer complaints.

15. The Commission is reporting program changes of 1,138 to the annual number of responses, 568 to the annual burden hours and $11,380 in annual cost which are due to the information collection requirements adopted in FCC 14-117.

The Commission is also reporting adjustments to the annual number of responses of 205,296, 20,475 to the annual burden hours and 0 to the annual cost which are due to increases to the number of respondents and responses for this collection.

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

17. The Commission seeks OMB approval to not display the expiration date for OMB approval of the information collection. We will use an edition date in lieu of an OMB expiration date. This will alleviate the Commission staff from having to update the OMB expiration date every time this is re-submitted to the OMB. Finally, the Commission displays the OMB expiration date, OMB Control Number, and Title of all OMB-approved information collections 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.