

*Revised information collection titled: Signal Boosters, Sections 1.1307(b)(1), 20.3, 20.21(a)(2), 20.21(a)(5), 20.21(e)(2), 20.21(e)(8)(i)(G), 20.21(e)(9)(i)(H), 20.21(f), 20.21(h), 22.9, 24.9, 27.9, 90.203, 90.219(b)(l)(i), 90.219(d)(5), and 90.219(e)(5)*

SUPPORTING STATEMENT

**A. Justification:**

The Commission is seeking approval from the Office of Management and Budget (OMB) approval for this revised information collection.

1. On September 19, 2014, the Federal Communications Commission (Commission or FCC) adopted an *Order on Reconsideration* in WT Docket No. 10-4, FCC No. 14-138, in which it took the following action, among others: required that Consumer Signal Boosters certified for fixed operation only be labeled to notify consumers that such devices may only be used in fixed, in-building locations. Therefore, the new labeling requirement which requires OMB review and approval is as follows:

**New Labeling Requirement.**

Section 20.21(f)(1)(iv)(A)(2) - In order to ensure that consumers are properly informed about which devices are suitable for their use and how to comply with our rules, the Commission required that all Consumer Signal Boosters certified for fixed, in-building operation include a label directing consumers that the device may only be operated in a fixed, in-building location. The Verizon Petitioners state that this additional labeling requirement is necessary to inform purchasers of fixed Consumer Signal Boosters that they may not lawfully be installed and operated in a moving vehicle or outdoor location. We recognize that our labeling requirement imposes additional costs on entities that manufacture Consumer Signal Boosters; however, on balance, we find that such costs are outweighed by the benefits of ensuring that consumers purchase appropriate devices. Accordingly, all fixed Consumer Signal Boosters, both Provider-Specific and Wideband, manufactured or imported on or after one year from the effective date of the rule change must include the following advisory (1) in on-line point-of-sale marketing materials, (2) in any print or on-line owner's manual and installation instructions, (3) on the outside packaging of the device, and (4) on a label affixed to the device: "This device may be operated ONLY in a fixed location for in-building use."

### **History:**

On February 20, 2013, the Federal Communications Commission (Commission or FCC) adopted and released a *Report and Order* (R&O) in WT Docket No. 10-4, FCC No. 13-21, which adopted new technical, operational, and registration requirements for signal boosters.

The following information collection requirements were adopted as a result of FCC No. 13-21 and have been reviewed, already approved by OMB, and remain unchanged since last approved:

**Provider Reporting Requirement:** In order to facilitate review of wireless providers' behavior regarding Consumer Signal Boosters, the R&O requires that on March 1, 2015, and March 1, 2016, all nationwide wireless providers publicly indicate their status regarding consent for each Consumer Signal Booster that has received FCC certification as listed in a Public Notice to be released by the Wireless Telecommunications Bureau 30 days prior to each reporting date. For each listed Consumer Signal Booster, wireless providers should publicly indicate whether they (1) consent to use of the device; (2) do not consent to use of the device; or (3) are still considering whether or not they will consent to the use of the device.

### **Registration Requirements:**

**Section 20.21(a)(2)** - The rules require signal booster operators to register Consumer Signal Boosters, existing and new, with their serving wireless providers prior to operation. This is a mandatory requirement to continue or begin operation of a Consumer Signal Booster. The registration requirement will aid in interference resolution and facilitate provider control over Consumer Signal Boosters.

The information collection contained in Section 20.21(a)(2) affects individuals or households; thus, there are impacts under the Privacy Act. However, the government is not directly collecting this information and the R&O directs carriers to protect the information to the extent it is considered Customer Proprietary Network Information (CPNI).

**Section 20.21(h)** - By March 1, 2014, all providers who voluntarily consent to the use of Consumer Signal Boosters on their networks must establish a free registration system for their subscribers. At a minimum, providers must collect (1) the name of the Consumer Signal Booster owner and/or operator, if different individuals; (2) the make, model, and serial number of the device; (3) the location of the device; and (4) the date of initial operation. Otherwise, the Commission permits providers to develop their own registration systems to facilitate provider control and interference resolution, providers should collect only such information that is reasonably related to achieving these dual goals. Wireless providers may determine how to collect such information and how to keep it up-to-date.

Section 90.219(d)(5) - This rule requires operators of Part 90 Class B signal boosters to register these devices in a searchable on-line database that will be maintained and operated by the Wireless Telecommunications Bureau via delegated authority from the Commission. The Commission believes this will be a valuable tool to resolve interference should it occur.

### **Labeling Requirements.**

Sections 20.21(a)(5), 20.21(f), 90.219(e)(5) - In order to avoid consumer confusion and provide consumers with needed information, the Commission adopted labeling requirements for Consumer and Industrial Signal Boosters. Consumer Signal Boosters must be labeled to identify the device as a “consumer” device and make the consumer aware that the device must be registered; may only be operated with the consent of the consumer’s wireless provider; may only be operated with approved antennas and cables; and that E911 communications may be affected for calls served by using the device. Industrial Signal Boosters must include a label stating that the device is not a consumer device, is designed for installation by FCC licensees or a qualified installer, and the operator must have a FCC license or consent of a FCC licensee to operate the device. Accordingly, all signal boosters marketed on or after March 1, 2014, must include the advisories (1) in on-line point-of-sale marketing materials; (2) in any print or on-line owner’s manual and installation instructions; (3) on the outside packaging of the device; and (4) on a label affixed to the device. Part 90 signal boosters marketed or sold on or after March 1, 2014, must include a label stating that the device is not a consumer device; the operator must have a FCC license or consent of a FCC licensee to operate the device; the operator must register Class B signal boosters; and unauthorized use may result in significant forfeitures.

Section 1.1307(b)(1) - Radiofrequency (RF). This rule requires that a label is affixed to the transmitting antenna that provides adequate notice regarding potential RF safety hazards and references the applicable FCC-adopted limits for RF exposure.

### **Certification Requirements:**

Sections 20.3, 20.21(e)(2), 20.21(e)(8)(i)(G), 20.21(e)(9)(i)(H), 90.203 - These rules, in conjunction with the R&O, require that signal booster manufacturers demonstrate that they meet the new technical specifications using the existing and unchanged equipment authorization application, including submitting a technical document with the application for FCC equipment authorization that shows compliance of all antennas, cables and/or coupling devices with the requirements of § 20.21(e). The R&O further provides that manufacturers must make certain certifications when applying for device certification. Manufacturers must provide an explanation of all measures taken to ensure that the technical safeguards designed to inhibit harmful interference and protect wireless networks cannot be deactivated by the user. The R&O requires that manufacturers of Provider-Specific Consumer Signal Boosters may only be certificated with the consent of the licensee so the manufacturer must

certify that it has obtained such consent as part of the equipment certification process. The R&O also requires that if a manufacturer claims that a device will not affect E911 communications, the manufacturer must certify this claim during the equipment certification process. **Note:** The “application for equipment” certification requirements are met under OMB Control Number 3060-0057, FCC Form 731.

**Antenna Kitting Documentation Requirement:**

Sections 20.21(e)(8)(i)(G), 20.21(e)(9)(i)(H) - The rules require that all consumer boosters must be sold with user manuals specifying all antennas and cables that meet the requirements of this section.

**Part 90 Licensee Consent Documentation Requirement:**

Section 90.219(b)(1)(i) - This rule requires that non-licensees seeking to operate part 90 signal boosters must obtain the express consent of the licensee(s) of the frequencies for which the device or system is intended to amplify. The rules further require that such consent must be maintained in a recordable format that can be presented to a FCC representative or other relevant licensee investigating interference.

**Cross-reference to Other Rule Parts:**

Sections 22.9, 24.9, and 27.9 – Operation of a consumer signal booster under Parts 22, 24, and 27 of the Commission’s rules must also comply with section 20.21 of the Commission’s rules, including all relevant information collections.

There are no impacts under the Privacy Act for the other requirements that are contained in this collection.

Statutory authority for this collection of information is contained in Sections 4(i), 303(g), 303(r), and 332(a) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(g), 303(r), 332(a).

2. The Commission will use the information collected from the provider reporting requirement to assess providers’ treatment of Consumer Signal Boosters, including the level of consumer access. This information will inform the Commission’s decision whether it is necessary to revisit the Consumer Signal Booster authorization mechanism. The provider-based registration requirement will facilitate licensee control over Consumer Signal Boosters, help providers rapidly resolve interference issues, and assist in consumer outreach. The labeling and marketing requirements will inform signal booster operators of their legal responsibilities, facilitate coordination with providers, and assist in interference prevention. The Part 90 registration requirement will help resolve interference should it occur. The RF labeling requirement will inform consumers about the potential RF safety hazards and references the applicable FCC-adopted limits for RF exposure. The certification requirements will ensure that manufacturers comply with our

new technical rules for Consumer and Industrial Signal Boosters. The antenna kitting documentation requirement will aid consumers in the correct installation and use of their devices so as to mitigate interference. The consent documentation requirement will ensure that signal booster operators have the proper authority to operate their devices.

3. The Commission's Wireless Telecommunications Bureau conducts an analysis to ensure that improved information technology cannot be used to reduce the burden on the public. This analysis considers the possibility of obtaining and/or computer-generating the required data from existing databases in the Commission or other Federal agencies. The Commission believes information technology will reduce the burden on the public. Manufacturers already must include a label on all Consumer Signal Boosters and the Commission believes that the additional labeling requirement may easily be input into the labels manufacturers already are producing. Providers are allowed to submit the required annual report electronically and Part 90 Class B signal booster operators will register using an on-line database. The existing equipment authorization application can be found on-line. The Commission expects that providers will establish online registration systems.

4. The Commission 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. For example, the Commission believes manufacturers will only have to modify labels they already are obligated to include on all Consumer Signal Boosters and also the Commission allows providers the flexibility to develop their own registration processes and determine how to collect registration information. Further, in order to minimize the burden on small businesses, the reporting requirement only applies to the four nationwide wireless providers.

6. The reporting requirement only requires providers to file once per year for two years. Less frequent reporting would not give an accurate portrayal of whether providers are consenting to the use of signal boosters on their network. This would undermine the purpose of the requirement. The required labeling and marketing materials information is limited to the information the Commission believes is necessary to inform consumers which devices are appropriate for their use and how to comply with the rules. With regard to the registration requirement, consumers and Part 90 licensees will determine whether or not they wish to operate a signal booster. Thus, the frequency of filing is determined by the respondents' decision to act or not.

7. No special circumstances with this collection of information.

8. The Commission has met the notice requirements of 5 C.F.R. § 1320.8. The public was given the opportunity to comment on the information collection requirements contained in this collection (*See* 80 FR 5748) on February 3, 2015. No PRA comments were received from the public.

9. Respondents will not receive any payments associated with this collection of information.
10. There is no need for confidentiality with this collection of information.
11. This collection of information does not address any private matters of a sensitive nature.
12. Cost to the respondents:
- a. *Provider Reporting Requirement.* There are 4 nationwide licensees who are required to publicly indicate their status regarding consent for each Consumer Signal Booster that has received FCC certification, in response to a Public Notice. This response would be prepared and submitted by a member of the licensee's regulatory staff, which would take approximately 5 hours per submission, for a total of 20 burden hours.
 

4 (licensees) x 5 hrs./submission = **20 hours**
  - b. *Registration Requirement.* The Commission estimates that 624,000 consumers will register their devices and that each registration will take approximately ½ hour. **Note:** This registration is free of charge to the consumer.
 

624,000 consumers x .5 hrs./registration = **312,000 hours**
  - c. *Registration System Requirement.* The Commission estimates that 95 wireless providers will establish registration systems and that it will take a member of their IT staff 40 hours to maintain such a system.
 

95 (providers) x 40 hrs./system = **3,800 hours**
  - d. *Part 90 Registration Requirement.* The Commission estimates that there are 2,083 Part 90 signal booster operators who will register their devices. The Commission estimates that each registration will take 1 hour.
 

2,083 (operators) x 1 hr./device = **2,083 hours**
  - e. *Labeling Requirement.* The Commission estimates that there are twenty signal booster manufacturers, who each manufacture ten products, who will develop labels for their devices. The Commission estimates that a product design specialist will spend one hour designing the label and four hours implementing the labeling requirement for a total of five hours per product. The Commission estimates that the additional labeling requirement will add ½ hour of the specialist's time to input the additional language.

$$20 \text{ (manufacturers)} \times 10 \text{ (products)} \times 5.5 \text{ hrs./product} = \mathbf{1,100 \text{ hours}}$$

- f. *RF Labeling Requirement.* The Commission estimates that there are twenty manufacturers who each make ten products that will require an RF label. The Commission estimates a product design specialist will spend four hours implementing the labeling requirement.

$$20 \text{ (manufacturers)} \times 10 \text{ (products)} \times 4 \text{ hrs./product} = \mathbf{800 \text{ hours}}$$

- g. *Certification Requirement.* The Commission estimates that there are twenty signal booster manufacturers, who each manufacture ten products, who will seek certification. The Commission estimates that a staff engineer will spend approximately ½ hour making the required certifications.

$$20 \text{ (manufacturers)} \times 10 \text{ (products)} \times .5 \text{ hrs./product} = \mathbf{100 \text{ hours}}$$

- h. *Antenna Kitting Documentation Requirement.* The Commission estimates that there are twenty signal booster manufacturers, who each manufacture five products, which will require antenna kitting documentation. The Commission estimates that a staff engineer will spend approximately 4 hours preparing the required documentation.

$$20 \text{ (manufacturers)} \times 5 \text{ (products)} \times 4 \text{ hrs./product} = \mathbf{400 \text{ hours}}$$

- i. *Part 90 Licensee Consent Documentation Requirement.* The Commission estimates that there are 8,333 Part 90 non-licensee signal booster operators who will obtain and maintain licensee consent documentation for their devices. The Commission estimates that maintaining documentation will take each operator ½ hour.

$$8,333 \text{ (operators)} \times .5 \text{ hr./device} = \mathbf{4,167 \text{ hours}}$$

Burden to the Respondents:

a. Provider Reporting Requirement	=	20 hrs.
b. Registration Requirement	=	312,000 hrs.
c. Registration System Requirement	=	3,800 hrs.
d. Part 90 Registration Requirement	=	2,083 hrs.
e. Labeling Requirement	=	1,100hrs.
f. RF Labeling Requirement	=	800 hrs.
g. Certification Requirement	=	100 hrs.
h. Antenna Kitting Documentation Requirements	=	400 hrs.
i. Part 90 Licensee Consent Documentation Requirement	=	<u>4,167 hrs.</u>
		<b>324,470 hrs.</b>

**THE TOTAL NUMBER OF RESPONDENTS IS:**

**4 LICENSEES + 624,000 CONSUMERS + 95 PROVIDERS + 2,083 OPERATORS + 20 BOOSTERS MANUFACTURERS + 8,333 NON-LICENSEE SIGNAL BOOSTER OPERATORS = 632,595**

**TOTAL NUMBER OF ANNUAL RESPONSES:**

**4 + 624,000 + 95 + 2,083 + 200 + 200 + 200 + 100 + 8,333 = 635,215**

**TOTAL HOUR BURDEN IS: 324,470.**

**In-house Cost to the Respondents:** The Commission estimates the following in-house staff costs to applicants affected by this collection on its knowledge of the respondents providing this information.

a. *Provider Reporting Requirement:* 4 respondents x 5 hrs./submission x \$25/hr. (regulatory staff) = **\$500**

b. *Registration Requirement:* 624,000 (respondents) x. \$0/hr. = **\$0 (no in-house cost)**

c. *Registration System Requirement:* 95 (providers) x 40 hrs./system x \$25/hr. = **\$95,000**

d. *Part 90 Registration Requirement:* 2,083 licensees x 1 hr./device x \$28/hr. (engineer) = **\$58,324**

e. *Labeling Requirement:* 20 (manufacturers) x 10 (products) x 5.5 hrs./product x \$20/hr. (product design specialist) = **\$22,000**

f. *RF Labeling Requirement:* 20 (manufacturers) x 10 (products) x 4 hrs./product x \$20/hr. (product design specialist) = **\$16,000**

g. *Certification Requirement:* 20 (manufacturers) x 10 (products) x .5 hrs./product x \$28/hr. (engineer) = **\$2,800**

h. *Antenna Kitting Documentation Requirement:* 20 (manufacturers) x 5 (products) x 4 hrs./product x \$28/hr. (engineer) = **\$11,200**

i. *Part 90 Licensee Consent Documentation Requirement:* 8,333 (operators) x .5 hr./device x \$28/hr. (engineer) = **\$116,662**

**Total In-House Cost Burden is: \$322,486.**

13. There are no external costs associated with this collection. **Total Annual Costs: None.**



14. Cost to the Federal Government is estimated as follows:

*Provider Reporting Requirement:* It should take an attorney performing at the GS-14 step 5 grade level, earning \$58.28/hr., approximately one hour per submission, to review the required annual report.

$$4 \text{ (reports)} \times 1 \text{ hr.} \times \$58.28/\text{hr. (attorney)} = \mathbf{\$233.12}$$

*Part 90 Registration:* It should take an engineer at the GS-13 step 5 grade level, earning \$49.32/hr., approximately 40 hours to create and maintain the Part 90 registration database within the Commission.

$$40 \text{ hrs.} \times \$49.32 \text{ (engineer)} = \mathbf{\$1,972.80}$$

*Labeling Requirement:* It should take an engineer at the GS-13 step 5 grade level, earning \$49.32/hr., approximately 1 hour per submission, to review the labels.

$$200 \text{ (labels)} \times 1 \text{ hr.} \times \$49.32/\text{hr. (engineer)} = \mathbf{\$9,864}$$

*RF Labeling Requirement:* It should take an engineer at the GS-13 step 5 grade level, earning \$49.32/hr., approximately 1 hour per submission, to review the labels.

$$200 \text{ (labels)} \times 1 \text{ hr.} \times \$49.32/\text{hr. (engineer)} = \mathbf{\$9,864}$$

*Certification Requirement:* It should take an engineer at the GS-13 step 5 grade level earning \$49.32/hr., approximately 1 hour per submission, to review the certifications.

$$20 \text{ (manufacturers)} \times 10 \text{ (products)} \times 1 \text{ hr.} \times \$49.32/\text{hr. (engineer)} = \mathbf{\$9,864}$$

*Antenna Kitting Documentation Requirement:* It should take an engineer at the GS-13 step 5 grade level, earning \$49.32/hr., approximately 4 hours per submission, to review the certifications.

$$20 \text{ (manufacturers)} \times 5 \text{ (products)} \times 4 \text{ hrs.} \times \$49.32/\text{hr. (engineer)} = \mathbf{\$19,728}$$

**TOTAL COST TO THE FEDERAL GOVERNMENT IS: \$51,525.92.**

15. This is a revised information collection resulting in a program change increase of 100 total annual burden hours due to the information collection requirements adopted in FCC 14-138.

The Commission had an adjustment/increase to the number of annual responses 620, which is due to a correction to the calculations which were previously approved in OMB's inventory.

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

17. No OMB expiration date will be displayed as these requirements are contained in rules sections.

18. There are no exceptions to the certification statement.

**B. Collections of Information Employing Statistical Methods:**

No statistical methods are employed.