

SUPPORTING STATEMENT

A. Justification:

1. The purpose of FCC Form 854 (Form 854) is to register antenna structures that are used for radio communication services which are regulated by the Commission; to make changes to existing antenna structure registrations or pending applications for registration; or to notify the Commission of the completion of construction or dismantlement of such structures, as required by Title 47 of the Code of Federal Regulations, Chapter 1, Sections 1.923, 1.1307, 1.1311, 17.1, 17.2, 17.4, 17.5, 17.6, 17.7, 17.57 and 17.58.

Any person or entity proposing to construct or alter an antenna structure that is more than 60.96 meters (200 feet) in height, or that may interfere with the approach or departure space of a nearby airport runway, must notify the Federal Aviation Administration (FAA) of proposed construction. The FAA determines whether the antenna structure constitutes a potential hazard, and may recommend appropriate painting and lighting for the structure. The Commission then uses the FAA's recommendation to impose specific painting and/or lighting requirements on radio tower owners and subject licensees. When an antenna structure owner for one reason or another does not register its structure, it then becomes the responsibility of the tenant licensees to ensure that the structure is registered with the Commission.

Section 303(q) of the Communications Act of 1934, as amended, gives the Commission authority to require painting and/or illumination of radio towers in cases where there is a reasonable possibility that an antenna structure may cause a hazard to air navigation. In 1992, Congress amended Sections 303(q) and 503(b)(5) of the Communications Act to make radio tower owners, as well as Commission licensees and permittees responsible for the painting and lighting of radio tower structures, and to provide that non-licensee radio tower owners may be subject to forfeiture for violations of painting or lighting requirements specified by the Commission.

This current revision is in response to a Report and Order the Commission adopted on August 8, 2014, FCC 14-117, that streamlined and eliminated outdated provisions of the Commission's Part 17 rules governing the construction, marking, and lighting of antenna structures. The changes to this collection are necessary to implement two of the updates adopted in the Report and Order. The first, 17.4(j), requires owners of certain antenna structures to file FCC Form 854 with the Commission if there is any change or correction in the overall height of one foot or greater or coordinates of one second or greater in longitude or latitude of a registered antenna structure. This change will increase the responses for this collection approximately 100 per annum. The second change, found in 17.4(b), requires owners to note on FCC Form 854 that the registration is voluntary if the antenna structure is otherwise not required to be registered under section 17.4. For this, an additional checkbox will be added to Form 854, but this revision will not increase the collection's average burden per response. These changes will enable the Commission to further modernize its rules while adhering to its statutory responsibility to prevent antenna structures from being hazards to air navigation.

This information collection contains personally identifiable information (PII) on individuals which is subject to the Privacy Act of 1974. Information on the FCC Form 854 is maintained in the Commission's System of Records, FCC/WTB-1, "Wireless Services Licensing Records." These licensee records are publicly available and routinely used in accordance with Subsection (b) of the Privacy Act, 5 U.S.C. § 552a(b), as amended. Taxpayer Identification Numbers (TINs) and materials that are afforded confidential treatment pursuant to a request made under 47 C.F.R. § 0.459 of the Commission's rules are not available for public inspection.

Statutory authority for this information collection is contained in Sections 1, 2, 4(i), 303, and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 303, and 309(j), Section 102(C) of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. § 4332(C), and Section 1506.6 of the regulations of the Council on Environmental Quality, 40 C.F.R. § 1506.6.

2. The Commission's responsibility is to ensure that antenna structures do not pose a threat to air safety and that environmental effects of proposed structures are fully considered prior to construction. The information associated with this information collection will be used by the Commission to maintain a current antenna structure registration database. This database will allow the FAA and the Commission to identify potential air safety hazards and provide members of the public the opportunity to review filings for potential environmental effects.

All information within the ASR database is publicly available except materials which are afforded confidential treatment under 47 C.F.R. § 0.459.

3. Approximately 99% of the Form 854s are filed electronically and all Form 854s are available to the public from the Commission's website.
4. This agency does not impose any other information collection on the respondents that is similar to this collection. 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 for evaluating and processing each application and to deter against possible abuses of the process.
6. If the information on the Form 854 is not collected, there could be a substantial negative effect on safe air navigation as well as potential environmental effects.

The frequency of filing is determined by the structure owners who need to notify the Commission before erecting a new antenna structure, when modifying or dismantling an existing structure, when changing ownership of an antenna structure, or when updating administrative-related information.

7. This collection of information is consistent with the guidelines in 5 C.F.R. § 1320.
8. The Commission initiated a 60-day public comment period which appeared in the *Federal Register* on July 24, 2015 (80 FR 44104). No PRA comments were received from the public as result of this

notice.

9. Respondents will not receive any payments or gifts in connection with this collection.
10. Generally, all information collected on Form 854 is available for public inspection. This information is maintained in the Commission’s system of records notice or ‘SORN’, FCC/WTB-1, “Wireless Services Licensing Records.” These records are publicly available and routinely used in accordance with Subsection (b) of the Privacy Act, 5 U.S.C. § 552a(b), as amended. Material that is afforded confidential treatment pursuant to a request made under 47 C.F.R. § 0.459 are not available for public inspection.
11. This collection does not address private matters of a sensitive nature, and the PII is covered by the system of records notice or ‘SORN’, FCC/WTB-1, “Wireless Services Licensing Records.”
12. The Commission estimates that there are approximately 2,400 annual respondents. The frequency of response is determined by the antenna structure owner. There is no renewal period for the responses. The number of total annual responses is approximately 57,100. Only 95% of these responses will be handled in-house. We assume, however, that respondents will use in-house clerical staff to coordinate the 5% of responses that will be contracted to another party, for approximately 30 minutes per response. Below is a breakdown of the in-house responses and times to complete responses based on the Commission’s knowledge and familiarity with the availability of the data required.
 - Approximately 46,408 responses per year will request administrative or other minor changes that are not subject to the environmental notice process and average 20 minutes to complete by respondents.
 - Approximately 7,609 responses per year will be subject to the environmental notice process by respondents but will not require an Environmental Assessment. (Note that this number is roughly 2% lower than it would be without the new temporary tower exemption.)
 - Approximately 80% (rounded) will take 1 hour to complete.
 - Approximately 20% (rounded) will require a field survey. These will require a total of 1.5 hours of respondent time to prepare and file, including the time to complete the notice process.
 - Approximately 228 responses will require an Environmental Assessment, which will require 2.5 hours of respondent time to prepare and file, including the time to complete the notice process.
 - Approximately 2,855 responses will be handled by contractors. We anticipate that in-house clerical staff will spend a total of .5 hours per response coordinating these responses with contractors.

Burden Hours

Filings	Responses	Hours to Complete	Total Hours
Minor Changes	46,408	.33	15,315

**Application for Antenna Structure Register, 3060-0139
 FCC Form 854
 2015**

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Environmental Notice Process	6,089	1.0	6,089
Site Survey	1,520	1.5	2,280
Environmental Assessment	228	2.5	570
Contract Coordination	2,855	.5	1,428
TOTAL ANNUAL BURDEN HOURS			25,682¹

TOTAL NUMBER OF RESPONDENTS: 2,400.

TOTAL NUMBER OF ANNUAL RESPONSES: 57,100.

TOTAL ANNUAL BURDEN HOURS: 25,682 hours.

In-house Cost: The Commission estimates that approximately 95% of the filing work will be handled in-house, and approximately 5% of the filing work will be contracted to another party. Assuming that respondents use in-house personnel comparable in pay to a mid to senior level federal employee to prepare the collection, we estimate the cost to be about \$35 per hour.

Total in-house filing burden hours = 15,315 + 6,089 + 2,280 + 570 = 24,254

24,254 hours x \$35/hour= **\$848,890**

We assume respondents will use clerical staff to coordinate the 5% of responses that will be contracted to another party, at approximately \$17 per hour. We expect this coordinating work to take approximately 30 minutes per response.

57,100 responses x .05 x .5 hours = 1,427.5 hours

1,427.5 hours x \$17 per hour = **\$24,268**

TOTAL ANNUAL IN-HOUSE COST: \$848,890 + \$24,268 = \$873,158.

13. The Commission estimates that 5% of the filing work will be contracted to a third party, such as a law firm or application preparer. The Commission expects that a majority of the work will be performed by a paralegal or equivalent with some attorney review. Assuming \$125 an hour for a paralegal and \$300 an hour for attorney work, we estimate a blended rate of \$175 per hour.

57,100 responses x .05 x .50 hours = 1,427.5 hours

1,427.5 hours x \$175 an hour = \$249,813

1,650 responses subject to the environmental notification process, will require a field survey which requires 5 hours of contracted biological services. In addition, approximately 120 responses requiring

¹ This total burden also accounts for the recordkeeping requirements for this collection.

an Environmental Assessment will require 60 hours of contracted biological services. The Commission estimates that the cost of biological services is \$60 per hour.

1,650 responses x 5 hours x \$60 an hour = \$495,000

120 responses x 60 hours x \$60 an hour = \$432,000

TOTAL ANNUAL COST BURDEN: \$249,813 + \$495,000 + \$432,000 = \$1,176,813.

14. Cost to the Federal Government:

Approximately 1% of responses are filed manually. These are keyed and filed by a contractor in about 10 minutes per application, at approximately \$35 per hour.

57,100 responses annual responses x .01 = 571 annual responses

571 annual responses x \$35 per hour x .166 hour = \$3,318

A GS-11 Step 5 Industry Analyst will review the responses subject to the Environmental Notification Process. The review time will average 15 minutes per response subject to review.

8,250 annual responses x .25 hours x \$35 per hour (rounded) = \$72,188

A GS-14 Step 5 Biologist (or contract equivalent) will, on average, spend approximately 2 hours reviewing Environmental Assessments that contain biological analysis.

120 responses x 2 hours x \$58 per hour (rounded) = \$13,920

Approximately 10% of a GS-13 Step 5 Program Analyst's time is devoted to the oversight and maintenance of the automated processing system, including processing applications that cannot be processed by automated means.

\$102,932 annual salary x .10 = \$10,293

Approximately 5% of a GS-8 Step 5 Computer Operator's time is devoted to output production.

\$54,044 annual salary x .05 = \$2,702

Cost to the Federal Government: \$3,318 + \$72,188 + \$13,920 + \$10,293 + \$2,702 = \$102,421

Sub-Total	\$102,421
Overhead Costs (25%)	<u>\$ 25,605</u>
	\$128,026

TOTAL ANNUAL COST TO THE FEDERAL GOVERNMENT: \$128,026.

15. The Commission makes program changes to this collection and they are as follows: an increase of 100 to the annual number of responses (from 57,000 to 57,100), an increase of 35 in the annual burden hours (from 25,647 to 25,682) and an increase in the annual cost of \$438 (from \$1,176,375 to \$1,176,813). These increases are due to an increase in the number of responses. The Commission does not estimate any increase in the average burden per response due to the revisions to Form 854.
16. The data will not be published for statistical use.
17. The Commission is requesting a continued waiver from displaying the OMB expiration date on the Form 854. Granting this waiver will prevent the Commission from having to update computer versions and thus reduce waste. All OMB-approved information collections are published in 47 C.F.R. § 0.408. This section includes the OMB control number, title of the collection and the OMB expiration date.

There are no adjustments to this collection.

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

This information collection does not use any statistical methods.