

SUPPORTING STATEMENT

A. Justification:

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitates the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Commission is seeking a revision of the Sections 95.1111 and 95.1113, Frequency Coordination/Coordinator, Wireless Medical Telemetry Service (“WMTS”), information collection in order to obtain the full three year clearance from the Office of Management and Budget (OMB).

On August 11, 2015 the Federal Communications Commission released a Report and Order, *Amendment of Part 15 of the Commission’s Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37, and Amendment of Part 74 of the Commission’s Rules for Low Power Auxiliary Stations in the Repurposed 600 MHz Band and 600 MHz Duplex Gap*, ET Docket No 14-165, GN Docket No. 12-268, FCC 15-99, which modifies Commission rules for unlicensed wireless devices and wireless microphones in the reconstituted TV bands and the new 600 MHz band. The rule changes adopted in this Report and Order will permit the operation of unlicensed white space devices on channel 37, which is one of the frequency bands used for the WMTS. To prevent harmful interference to the WMTS, white space devices must comply with minimum separation distances from the locations where WMTS networks operate on channel 37. These separation distances are enforced by a white space database, which provides lists of channels on which a white space device can operate at a particular location without causing harmful interference to authorized radio services. The white space database must include location information for WMTS networks operating on channel 37, which is information not currently in the white space database.

As a result of these rule changes, we are revising the information collection to include section 95.1111(d), which requires parties operating WMTS networks on channel 37 to register their location information with a white space database in order to receive interference protection. There is no change to the requirement that parties operating WMTS networks on channel 37 and in other bands must register with a designated WMTS frequency coordinator.

(d) To receive interference protection, parties operating WMTS networks on channel 37 shall notify one of the white space database administrators of their operating location pursuant to §§ 15.713(j)(11) and 15.715(p) of that chapter.

On June 12, 2000, the FCC released a Report and Order, *In the Matter of Amendment of Parts 2 and 95 of the Commission’s Rules to Create a Wireless Medical Telemetry Service* (“WMTS”),

ET Docket No. 99-255, PR Docket No. 92-235, FCC 00-211, which enhances the ability of health care providers to offer high quality and cost effective care to patients with acute and chronic health care needs. The rules adopted in this Report and Order, as modified by the August 11, 2015 Report and Order, are summarized below:

- (a) Medical telemetry equipment is used in hospitals and health care facilities to transmit patient measurement data, such as pulse and respiration rates to a nearby Receiver, that permits greater patient mobility and increased comfort.
- (b) The Commission allocated spectrum to WMTS on a primary basis, which allows potentially life-critical medical telemetry equipment to operate on an interference-protected basis.
- (c) The Commission also adopted service rules for WMTS that “license by rule” meaning that users are permitted to operate WMTS equipment that complies with the rules without the need to apply for a license from the Commission.
- (d) Furthermore, the Commission adopted rules to designate a frequency coordinator, who maintains a database of all WMTS equipment.
- (e) Without a database, there would be no record of WMTS usage because WMTS transmitters are not individually licensed.
- (f) All parties using equipment in the WMTS are required to coordinate/register their operating frequency and other relevant technical operating parameters with the designated coordinator.
- (g) The database provides a record of the frequencies used by each facility or device to assist parties in selecting frequencies to avoid interference.
- (h) Parties operating WMTS networks on channel 37 shall notify one of the white space database administrators of their operating location to receive interference protection from white space devices.

This information collection does not affect individuals or households – respondents are health care providers, see § 95.1111(a) of the rules. Thus there are no impacts under the Privacy Act and a Privacy Impact Assessment is not required.

The Commission has authority for this information collection pursuant to Sections 4(i), 11, 301, 302, 303(e), 303(f), 303(r), 304, 307 and 332(b) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 161, 301, 302, 303(e), 303(f), 303(r), 304, 307 and 332(b).

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

§95.1111 Frequency coordination.

(a) Prior to operation, authorized health care providers who desire to use wireless medical telemetry devices must register all devices with a designated frequency coordinator. Except as specified in §95.1105, operation of WMTS equipment prior to registration is not authorized under this part. The registration must include the following information:

- (1) Specific frequencies or frequency range(s) used;
- (2) Modulation scheme used (including occupied bandwidth);
- (3) Effective radiated power;
- (4) Number of transmitters in use at the health care facility as of the date of registration including manufacturer name(s) and model numbers);
- (5) Legal name of the authorized health care provider;
- (6) Location of transmitter (coordinates, street address, building);
- (7) Point of contact for the authorized health care provider (name, title, office, phone number, fax number, e-mail address).

(b) An authorized health care provider shall notify the frequency coordinator whenever a medical telemetry device is permanently taken out of service, unless the device is replaced with another transmitter utilizing the same technical characteristics as those reported on the effective registration. An authorized health care provider shall maintain the information contained in each registration current in all material respects, and shall notify the frequency coordinator when any change is made in the location or operating parameters previously reported which is material.

(c) As of April 14, 2010, no registrations may be accepted for frequencies where WMTS does not have primary status. Previously registered secondary facilities may continue to operate as registered.

(d) Parties operating WMTS networks on channel 37 shall notify one of the white space database administrators of their operating location.

§95.1113 Frequency coordinator.

(a) The Commission will designate a frequency coordinator(s) to manage the usage of the frequency bands for the operation of medical telemetry devices.

(b) The frequency coordinator shall

(1) Review and process coordination requests submitted by authorized health care providers as required in §95.1111;

(2) Maintain a database of WMTS use;

(3) Notify users of potential conflicts; and

(4) Coordinate WMTS operation with radio astronomy observatories and Federal Government radar systems as specified in §§95.1119 and 95.1121.

(5) Notify licensees—who are operating in accordance with §90.259(b)—of the need to comply with the field strength limit of §90.259(b)(11) prior to initial activation of WMTS equipment in the 1427-1432 MHz band.

(6) Notify licensees—who are operating in 1392-1395 MHz band in accordance with subpart I of part 27—of the need to comply with the field strength limit of §27.804 prior to initial activation of WMTS equipment in the 1395-1400 MHz

Without the database, there would be no record of WMTS usage because WMTS transmitters will not be individually licensed.

- The database is used by health care providers to plan for specific frequency use within a geographic area, especially where numerous WMTS operations may occur.

- The coordinator will also notify users of potential frequency conflicts.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

Frequency coordination and notification to white space database administrators is provided through third party requirements established by the frequency coordinator or white space database administrator; the FCC has no requirement/restriction on how third party coordination/notification is conducted.

Note: The designated coordinator “American Society for Healthcare Engineering of the American Hospital Association” (AHA/ASHE) collects the information electronically, although there is no requirement in the rules that the information must be collected electronically. We expect that the white space database administrators will also collect this information electronically.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

No similar information is available elsewhere. As a third party requirement some duplication of effort is involved for applicants; however, reasonable efforts are necessary to satisfy interference concerns.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The equipment in question is highly specialized medical equipment that is manufactured only by the larger manufacturers; and therefore there is no impact on small businesses.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The information is necessary to allow the coordinator and parties using the WMTS database to contact other users to verify information and resolve potential conflicts. Each user is responsible for determining in advance of installation, whether it's new devices are likely to cause or be susceptible to interference from devices already registered in the coordination database. The information is also necessary to ensure that white space devices do not cause harmful interference to WMTS networks operating on channel 37.

Therefore, failure of parties to register with the frequency coordinator could result in interference between equipment operators.

7. Explain any special circumstances that cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances required for this collection of information.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB.

-Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

On June 8, 2016 the Commission published a notice in the Federal Register, pursuant to 5 C.F.R. §1320.8(d), to solicit public comment on the revised collection, *see* 81 FR 36916. The Commission received comments from The American Society for Healthcare Engineering (ASHE) of The American Hospital Association. ASHE objects that the Commission underestimates the burden on wireless medical telemetry service (WMTS) licensees and the WMTS database administrator to submit to at least one white space (WS) database the geographic location of WMTS operations on TV channel 37 in order for those services to be protected from interference. In the Report and Order adopting this new requirement, the Commission placed the WS database reporting requirement only on health care facilities operating WMTS equipment on TV channel 37, not on the WMTS database administrator. Thus, ASHE's argument that the Commission has underestimated the burden on the WMTS database administrator to modify its systems to collect data for the WS database is misplaced. The Commission chose to place the responsibility on the health care facility directly because, although some of the information that health care facilities already provide to the WMTS database (*e.g.*, facility name and address, contact person information, and geographic location of the WMTS operation) may be the same or similar to what it will provide to the WS database, it will have to report to the WS database the actual geographic coordinates (latitude and longitude) of the facilities where they operate WMTS equipment on TV channel 37. Staff has determined that software programs can be accessed via the Internet to identify geographic coordinates for specific locations with little effort and no cost. Health care facilities will be permitted to register with a WS database without charge.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

No gift or payments will be given to respondents for this collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

No information is requested that would require assurance of confidentiality.

11. Provide additional justification for any questions of a sensitive nature.

No sensitive information is required for this collection. The requirement is for recordkeeping, therefore assurance of confidentiality is not applicable.

12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.

Currently there are 3,000 operators (respondents) registered with the frequency coordinator **(there is only one database and one coordinator)**. Parties that operate WMTS networks on channel 37 will need to also register with the white spaces database to obtain interference protection. The length of time to prepare the responses varies depending on the complexity of the installation. The response for a small installation takes approximately 2-3 hours and a large installation takes approximately 4-5 hours.

Total Number of Respondents: 3,000 Operators

3,000 respondent x 5 hours/response (avg.) = **15,000 hours**

Total Annual Hourly Burden: 15,000 hours

13. Provide estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12 and 14).

There are no capital or start-up costs. The frequency coordinator accepting the registration expenses would be:

Total Annual Costs: \$50 per hour x 3,000 respondents x 5 hours = \$750,000.

The expense would include reviewing the registration submissions and entering them into a database, and expenses for computer cost. These expenses are recovered through fees paid by the respondents.

14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff),

any other expenses that would not have been incurred without this collection of information.

There is no annual cost to the Federal Government.

15. Explain the reasons for any program changes or adjustments reported.

We are reporting a program change, and adjusting the reporting/recordkeeping burden to reflect the changes the Commission adopted in its August 11, 2015 Report and Order. These changes require parties operating WMTS networks on channel 37 to register with a white space database to obtain protection from unlicensed devices that will operate on channel 37.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

The collection of information is intended to ensure compliance with applicable Commission rules. The data will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

This information collection does not include any FCC Forms, therefore we are not seeking exemption from displaying the expiration date for OMB approval of this collection.

18. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

There are no exceptions to the certification statement identified.

B. Collection of Information Employing Statistical Methods:

This information collection does not employ statistical methods.