

## SUPPORTING STATEMENT

### § 90.155 – Time in which station must be placed in operation.

#### **A. Justification:**

The Commission is seeking an extension of this information collection in order to obtain the full three-year clearance from OMB.

1. Section 90.155<sup>1</sup> provides that a period longer than 12 months may be granted to local government entities to place their stations in operation on a case-by-case basis upon a showing of need. This rule provides flexibility to state and local governments. An application for extension of time to commence service may be made on FCC Form 601. Extensions of time must be filed prior to the expiration of the construction period. Extensions will be granted only if the licensee shows that the failure to commence service is due to causes beyond its control.

In 1995, via a *Report and Order* in PR Docket No. 93-61; FCC 95-41, published at 60 FR 15248, the Commission established construction deadlines for Location and Monitoring Service (LMS) licensees in the market-licensed multilateration LMS services. On July 8, 2004, the Commission adopted a *Report and Order* under WT Docket Nos. 02-381, 01-14, and 03-202; FCC 04-166, published at 69 FR 75144, that amended § 90.155 to provide holders of multilateration location service authorizations with five- and ten-year benchmarks to place in operation their base stations that utilize multilateration technology to provide multilateration location service to one-third of the Economic Area's (EA's) population within five years of initial license grant, and two-thirds of the population within ten years. At the five- and ten-year benchmarks, licensees are required to file a map and FCC Form 601 showing compliance with the coverage requirements pursuant to § 1.946 of the Commission's rules.

On January 31, 2007, via an *Order on Reconsideration, and Memorandum Opinion and Order*, under DA 07-479, the FCC granted two to three additional years to meet the five-year construction requirement for certain multilateration Location and Monitoring Service Economic Area licenses, and extended the 10-year requirement for such licenses two years. A copy of the Order is attached.

Statutory authority for this collection of information is contained in Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7) unless otherwise noted.

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<sup>1</sup> The cost and hour burdens for §§ 90.155(g) and (i) are accounted for under IC 3060-0798 and are therefore not reported as part of this information collection.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. These requirements will be used by Commission personnel to evaluate whether or not certain licensees are providing substantial service as a means of complying with their construction requirements, or have demonstrated that an extended period of time for construction is warranted.
3. Wireless Telecommunications Bureau conducted an analysis to insure 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 data bases in the Commission or other federal agencies.
4. This agency does not impose a similar information collection on the respondents. There are 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 processes.
6. Information under this collection is collected in response to the needs of the applicant and at the five- and ten-year benchmarks only. Less frequent collections are not feasible.
7. Current data collection is consistent with 5 CFR 1320.5.
8. The Commission initiated a 60-day public comment period via a Notice which appeared in the Federal Register on August 1, 2016 (81 FR 50497) seeking comments from the public on the information collection requirements contained in this collection. No comments were received as a result of the Notice.
9. Respondents will not receive any payments associated with this collection.
10. There is no need for confidentiality with this information collection.
11. There are no requests of a sensitive nature considered or those considered a private matter being sought from the applicants on this collection.

12. § 90.155 Applicants are required to provide a schedule for completion of various phases of the radio installation along with a showing that the system has been funded. Approximately 109 such requests are received each year with an estimated preparation time of 1 hour each, for a total burden of 109 hours annually.

**Number of respondents: 109.**

**Number of annual responses: 109.**

**Annual Burden Hours: 109 hours.**

§ 90.155 According to ULS, there are 6 Multilateral LMS EA-licensees who hold 614 licenses who are required to file a map showing compliance with the coverage requirements. We estimate that LMS EA-licensees will need approximately one hour to meet this requirement via an in-house engineer.

**Number of respondents: 6.**

**Number of annual responses: 614.**

**Annual Burden Hours: 614 (map showing) x 1 hour/showing = 614 hours.**

**Total Number of Respondents:  $109 + 6 = 115$ .**

**Total Number of Responses:  $109 + 614 = 723$ .**

**Total Annual Hour Burden is:  $109 + 614 = 723$  hours.**

13. Estimate of cost to respondents:

- a. There are no capital or start-up costs.
- b. There are no operational or maintenance costs.

14. Estimate of cost to the Federal Government is: **\$15,211.92**

$\$42.08 \text{ per hour (GS-12 step 5 engineer)} \times 723 \text{ responses} \times .5 \text{ hours./response} =$   
**\$15,211.92**

15. There are no program changes to this information collection. There are adjustments to the following: -375 to the number of respondents, -381 to the annual number of responses and -381 to the annual burden hours. These adjustments are due to fewer respondents subject to the reporting requirements under Section 90.155.

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

17. We do not seek approval to not display the expiration date for OMB approval of the information collection.

18. There are no exceptions to the certification statement.

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

No statistical methods are employed.