

SUPPORTING STATEMENT

The Federal Communications Commission (“the Commission” or “the FCC”) seeks the Office of Management and Budget (OMB) approval for a new information collection in order to implement an online mechanism for federal spectrum users, spectrum licensees with a public safety or safety-of-life mission, and commercial spectrum licensees to submit complaints of radio frequency (RF) interference to the Commission for investigation and possible enforcement action. The subject information collection is being submitted in furtherance of a Commission order, *Reorganization of the Enforcement Bureau’s Field Operations*, Order, FCC 15-81 (adopted and released on July 16, 2015) and to obtain OMB approval for a three-year period.

A. **Justification:**

1. *Circumstances that make the collection necessary.* The Communications Act of 1934 (the “Act”), as amended, prohibits the “willful[] or malicious[] . . . interference to any radio communications of any station licensed or authorized by” the Commission pursuant to the Act or to any station “operated by the United States Government.” 47 U.S.C. § 333. To that end, the Act also authorizes the Commission to investigate potential violations of the Act and its rules (the “Rules”) and to impose monetary forfeitures and other penalties when violations are found. By providing stakeholders with a common, online mechanism for reporting instances of RF interference to their radio communications, the subject information collection will enable the Commission to efficiently dispatch field personnel to investigate and, as applicable, take appropriate actions to resolve the RF interference.

This new information collection will provide commercial spectrum licensees, spectrum licensees with public safety or safety of life missions, and federal agencies with a single portal, FCC-5624, through which to submit complaints of RF interference. In general terms, the information collection will solicit contact information from the complainant, information about the complainant’s spectrum use, and, to the extent known, information about the RF interference that the complainant is experiencing. As proposed, this online RF interference intake portal will enhance the Commission’s ability to efficiently triage and assign RF interference complaints to field agents for further investigation, mitigation, and/or enforcement action, as appropriate.

Although it is still designing the online user interface for the proposed RF interference intake portal, the Commission has developed the specific questions that will be included in the information collection, which are attached hereto as Annex A, FCC-5624.

Statutory authority for this information collection is contained in 47 U.S.C. sections 154(i) – (j), 155, and 303(r).

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

2. *Use of information.* The Commission will use this information collection to initiate investigations of potential violations of the Act and the Rules.
3. *Technological collection techniques.* In an effort to reduce any burden created by these information collection requirements, the Commission will permit all respondents to file responses using automated, electronic, mechanical or other technological collection techniques where feasible. While the Commission does not intend to make the subject information collection available as a printed form, respondents will have the ability to contact the Commission by telephone to submit RF interference complaints.
4. *Efforts to identify duplication.* There will be no duplication of information. The information sought is unique to each party and instance of RF interference.
5. *Impact on small entities.* While it anticipates that many small entities may use the subject information collection to submit RF interference complaints, the Commission does not foresee that the subject information collection will have a substantial impact on such small entities. First, the use of the information collection is optional, and the Commission provides other mechanisms to submit RF interference complaints. Second, the information collection has been designed as far as possible to limit the burden on small entities. For example, the information collection will feature drop-down lists to facilitate accurate responses from respondents, as well as numerous pop-up help windows to provide respondents with guidance on the meaning of specific terms or the scope of specific questions. Further, the Commission has limited the number of mandatory responses within the information collection, either by designating certain questions as non-mandatory or by including “I don’t know” responses in certain drop-down lists.
6. *Consequences if information is not collected.* Without this information collection, respondents would have to either contact the Commission’s individual Field Offices or the Commission’s Operations Center to submit RF interference complaints. Either of such alternate complaint intake mechanisms will cause delays in the investigative process by requiring internal coordination to ensure that an RF interference complaint has been directed to the appropriate Field Agent or Field Office. By creating a centralized online intake mechanism, this information collection will enable the Commission to dispatch Field Agents in a more efficient manner, with the goal of reducing the amount of time required to commence on-scene investigations, when appropriate.
7. *Special circumstances.* We do not foresee any special circumstances that would cause an information collection to be conducted under extraordinary circumstances. Therefore, this collection of information is consistent with the guidelines in 5 CFR Part 1320.5.
8. *Federal Register notice; efforts to consult with persons outside the Commission.* A 60-day notice was published in the *Federal Register* pursuant to 5 C.F.R. § 1320.8(d) on February 9, 2017. See 82 FR 10004. No PRA comments were received from the public.

9. *Payments or gifts to respondents.* The Commission will not provide any payment or gifts to respondents.
10. *Assurances of confidentiality.* The Commission is not requesting respondents to submit confidential information to the Commission. However, respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 C.F.R. § 0.459 of Rules.
11. *Questions of a sensitive nature.* There are no questions of a sensitive nature with respect to the information collection described herein.
12. *Estimates of the hour burden of the collection to respondents.* The following represents the hour burden on the collection of information proposed herein:
 - (a) Number of respondents: The Commission receives approximately 1,000 RF interference complaints per year from **1,000 respondents**.
 - (b) Frequency of response: On occasion reporting requirement.
 - (c) Total responses annually: Respondents will only use the information collection if they choose to submit an RF interference complaint to the Commission for investigation. The Commission estimates that **1,000 RF interference complaints** will be filed annually.
 - (d) Annual hour burden per respondent: The Commission estimates that respondents will need approximately 0.5 hours (30 minutes) to gather and submit information supporting an RF interference complaint. Accordingly, the total annual burden hours would be calculated as the product of 1,000 RF interference complaints per year x 0.5 hours (30 minutes) per RF interference complaint, which equals **500 total annual hours**.
 - (e) Total estimate of in-house cost to respondents: The Commission anticipates that the annualized “in-house” cost to respondents will be **\$20,000**, which is calculated as the product of 1,000 RF interference complaints x 0.5 hours (30 minutes) per complaint x \$40 per hour for attorney, administrative staff time and overhead.
 - (f) Explanation of calculation: The Commission’s calculations of the annual hour burden and associated “in-house” cost for respondents are set forth in paragraphs 12(a) – (e), above.
13. *Estimates for the cost burden of the collection to respondents.* There are no outside contracting costs for this information collection. See paragraph 12(d), above, for the estimated “in-house” cost.
14. *Estimates of the cost burden to the Commission.* There will be modest costs to the Commission. As an initial matter, enforcing the Act’s prohibition against interference to radio communications and associated provision in the Rules is already part of Commission duties. While the information collection will result in the addition of new features on the

Commission's website, the proposed information collection will leverage an existing platform in order to minimize costs to the Commission.

15. *Program changes or adjustments.* This is a new information collection resulting in a program change/increase of 1,000 respondents, 1,000 responses, and 500 annual burden hours. These estimates will be added to OMB's Active Inventory.
16. *Collections of information whose results will be published.* The Commission periodically publishes aggregate data summarizing the speed of its response to complaints with public safety implications. As a result, data generated following the use of the proposed complaint intake mechanism by federal spectrum users and spectrum licensees serving public safety or safety-of-life missions will be included in the Commission's periodic reports on the response to public safety complaints. Those reports do not contain any information that is law enforcement sensitive or for official use only.
17. *Display of expiration date for OMB approval of information collection.* The Commission seeks approval not to display the expiration date of OMB approval on the form associated with this information collection. The Commission will use a "last updated" date on the online form in lieu of the OMB expiration date. This will prevent the Commission from having to constantly update the expiration date on the electronic forms each time this collection is submitted to OMB for review and approval. The Commission publishes a list of all OMB-approved information collections in 47 C.F.R. 0.408 of the Commission's rules.
18. *Exceptions to certification statement for Paperwork Reduction Act submissions.* There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

The Commission does not anticipate employing statistical methods with respect to this information collection.