

SUPPORTING STATEMENT

A. Justification:

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

On March 22, 2018, the Public Safety and Homeland Security Bureau (Bureau) and the Office of Engineering and Technology (OET), on delegated authority, jointly released an Order amending Sections 2.102(c)(4) and 90.173(c) of the Commission's rules and adopting new Section 90.25 to conform the Commission's rules to a streamlining modification recently made by the National Telecommunications and Information Administration (NTIA). In particular, NTIA streamlined the process by which the Commission may grant licenses to non-federal public safety entities who seek to operate on forty federal government interoperability channels over which NTIA has jurisdiction.

New Section 90.25 contains a new information collection requirement. Namely, it requires any non-federal public safety entity seeking to license mobile and portable units on the Federal Interoperability Channels to obtain written concurrence from its Statewide Interoperability Coordinator (SWIC) or state appointed official and include such written concurrence with its application for license.

By way of background, NTIA designates forty channels for interoperability communications among federal agencies and between federal agencies and non-federal entities with which federal agencies have a requirement to interoperate. A non-federal public safety entity may communicate on the NTIA designated Federal Interoperability Channels for joint federal/non-federal operations, provided it first obtains a license from the Commission authorizing use of the channels.

Under NTIA's new process, the SWIC or state appointed official in each state is responsible for coordinating access to the Federal Interoperability Channels by non-federal public safety entities. Each SWIC/official will sign an agreement with a federal user with a valid assignment from NTIA. The agreement will specify which Federal Interoperability Channels are available for use in a particular state and establish the conditions for their use by non-federal public safety entities.

Once the agreement for a given state is signed, non-federal public safety entities in that state may file an application with the Commission to license the designated Federal Interoperability Channels under the new streamlined process. Before filing with the Commission, a non-federal public safety entity seeking to license mobile and portable units on the Federal Interoperability Channels must first obtain written concurrence from its SWIC/official. The non-federal public safety entity must then include a copy of the written concurrence with its license application to the Commission.

NTIA's streamlined process eliminates the need for non-federal public safety entities to obtain a written certification from a federal government agency and for the Commission to refer applications to NTIA for coordination with the IRAC's Frequency Assignment Subcommittee (FAS).

NTIA's new streamlined process is codified in new Section 90.25 of the Commission's rules. The information collection requirement in Section 90.25 does not affect individuals or households; thus, there is no impact under the Privacy Act.

The Commission is now submitting this new information collection to the Office of Management and Budget (OMB) to obtain the full three-year clearance.

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.

The purpose of requiring each non-federal public safety entity to obtain written consent from its SWIC or state appointed official before filing an application with the Commission to license the Federal Interoperability Channels is to ensure that the proposed operation conforms to the terms of an agreement signed by the SWIC or official.

As noted above, the agreement signed by the SWIC or state appointed official will specify which Federal Interoperability Channels are available for use in a particular state. The agreement also establishes the conditions for their use by non-federal public safety entities.

Without the written consent, staff at the Bureau would be unsure if an applicant complies with the conditions agreed to by the SWIC/official in the agreement it signed with a federal user with a valid assignment from NTIA. Any non-federal operation on the Federal Interoperability Channels which does not comply with the terms of the agreement could cause harmful interference to federal agencies operating on those channels.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical or other technological techniques or other forms of information technology, e.g., permitting electronic submissions of responses, and the basis for the decision for adopting this means of collection.

Non-federal public safety entities will attach a copy of the written consent from their SWIC or state appointed official with their application for license. Applicants file their license applications using the Commission's Universal Licensing System (ULS). Thus, applicants may use electronic means to submit their written consent through the ULS.

4. Describe efforts to identify duplication.

No other federal agency requires or collects the documents described here.

5. If the collection of information will have significant economic impacts on small businesses, organizations or other small entities, describe any methods used to minimize the burden on these entities.

In conformance with the Paperwork Reduction Act of 1995, the Commission makes an effort to minimize the burden of information collection on all its licensees regardless of size. To that end, the information collection detailed in new Section 90.25 applies to the absolute minimum number of licensees necessary.

For instance, the requirement in new Section 90.25 for non-federal public safety entities to obtain written consent from its SWIC or state appointed official applies only if that entity seeks to communicate with federal agencies on the Federal Interoperability Channels during emergency events or training exercises.

Furthermore, the process detailed in new Section 90.25 streamlines the previous licensing process established by NTIA for non-federal public safety entities to license the Federal Interoperability Channels. As noted above, non-federal public safety entities no longer need to obtain written certification from an individual federal government agency with which they would interoperate with during an emergency. In addition, the Commission no longer needs to refer applications for the Federal Interoperability Channels to NTIA for coordination with the IRAC's Frequency Assignment Subcommittee (FAS).

Thus, the information collection requirement specified in new Section 90.25 reduces existing burdens on small governmental entities since non-federal public safety entities will now have one point of contact in their state for access to the Federal Interoperability Channels. In addition, the new streamlined process specified in new Section 90.25 reduces the time the Bureau needs to process license applications for the Federal Interoperability Channels.

6. Describe the consequences 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 the burden.

A consequence of a non-federal public safety entity communicating on a Federal Interoperability Channel without first seeking written approval from the SWIC or state appointed official is that the unauthorized communication could cause interference or confusion during an emergency event or violate NTIA rules.

As noted above, requiring applicants seeking to license the Federal Interoperability Channels to first obtain written consent from its SWIC/official ensures that the non-federal entity understands the procedures and protocols for communicating on the Federal Interoperability Channels during emergency response.

Nonetheless, the issuing and receiving of written concurrence need only be a one-time collection. A non-federal public safety entity need only seek written concurrence from its SWIC or state appointed official once; before it applies for a license from the Commission to operate on the Federal Interoperability Channels.

7. Explain any special circumstances that would cause an information collected in a manner inconsistent with OMB's guidelines which are stated in 5 C.F.R. § 1320.5(d)(2).

The information collection detailed in new Section 90.25 is consistent with the guidelines in 5 C.R § 1320.5(d)(2).

8. Identify the date and page number of publication in the Federal Register of the agency's Paperwork Reduction Act (PRA) 60-day notice, required by 5 CF. § 1320.8(d), soliciting comments on the information collection requirement(s) prior to submission to OMB.

The Commission initiated a 60-day public comment period which was published in the Federal Register on April 25, 2018 (83 FR 18054). No comments were received as a result of the Notice. A copy of the Federal Register Notice is referenced in this submission to the OMB.

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

Non-federal public safety entities subject to the information collections detailed in new Section 90.25 will not receive any gifts or payments.

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

New Section 90.25 requires that a non-federal public safety entity seeking a license to operate on the Federal Interoperability Channels submit written concurrence from its SWIC or designated state official with its license application. No confidential information need be included with the application.

Pursuant to § 208(b) of the E-Government Act of 2002, 44 U.S.C.A. § 3501, in conformance with the Privacy Act of 1974, 5 U.S.C. § 552(a), the Commission instructs applicants to use the FCC's ULS, ASR, Commission Registrations System (CORES) and related systems and subsystems to submit information.¹ CORES is used to receive an FCC Registration Number (FRN) and password, after which one must register all current call sign and Antenna Structure Registration (ASR) numbers associated with a FRN within the Commission's system of records (ULS database). Although ULS stores all information pertaining to the individual license via the FRN, confidential information is accessible only by persons or entities that hold the password for each account, and the Bureau's Licensing Division staff. Upon making a request for a FRN, the individual applicant/licensee is consenting to make publicly available, via the ULS database, all information that is not confidential in nature.

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

In adopting new Section 90.25, the Commission does not require any licensee to submit sensitive information with the written concurrence described above.

Nonetheless, in instances where licensees provide personally identifiable information (PII), the Commission has a System of Records Notice (SORN), FCC/WTB-1, and "Wireless Services Licensing Records," to cover the collection, use storage, and destruction of PII. A full explanation of the safeguards may be found in the Privacy Impact Assessment that the FCC completed on November 5, 2008 and that may be viewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.

12. Provide estimates of the burden hours for the collection of information.

According to the FCC's Universal Licensing System (ULS), there are approximately 45,947 active non-federal public safety licensees that may be eligible to license the Federal Interoperability Channels under this new procedure. We believe this is the total universe of entities who would be subject to the information collection requirement in new Section 90.25.

Below, we estimate burden hours for the collection specified in new Section 90.25.

We estimate a non-federal public safety entity would need 0.25 hours to (1) request written consent from its SWIC or state appointed official (likely via email) and (2) attach it to its license application once it receives an electronic copy of the written consent. We anticipate such requests being a one-time filing. Assuming every non-federal public safety licensee in the U.S. needs to obtain written consent from its SWIC or state appointed official and attach it to a license application the burden hours for this one-time collection would be:

¹ These instructions have been approved by the Office of Management and Budget (OMB) under Control Number 3060-1042.

45,947 Non-Federal Public Safety licensees x 0.25 hours = 11,487 hours (rounded up).

Total Respondents: 45,947

Total Responses: 45,947

Total Annual Burden Hours: 11,487 hours rounded up to a whole number

Total In-House Cost: None.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. Do not include the cost of any burden hours shown in items 12 and 14.

There are no capital or start-up costs associated with the information collection detailed in new Section 90.25. Nor are there operational or maintenance costs associated with information collection detailed in new Section 90.25.

14. Provide estimates of annualized costs to the Federal government.

The Bureau's staff will only review the information collection document described in new Section 90.25 if a non-federal public safety entity includes the document as an attachment to its application. We estimate it will take staff 0.25 hours to review such attachments when reviewing an application.

Assuming every non-federal public entity files an application and includes the required attachment with a one-time application, we estimate the cost to federal government to be:

\$36.95 salary per hour (GS 11, Step 5/Electronics Engineer) 0.25 hours x 45,947 applications =
\$424,435.41

Total Cost to the Federal Government for One-Time Collection: \$424,435.41

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

This is a new information collection resulting in a program change/increase of 45,947 respondents, 45,947 responses and 11,487 annual burden hours. These estimates will be added to OMB's Active Inventory.

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

The Commission will not publish any results from the information collected pursuant to new Section 90.25.

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

The Commission is not requesting OMB approval to not display the OMB expiration date. The Commission publishes a list of OMB-approved information collection by title, OMB Control number, and OMB expiration date in 47 CFR § 0.408.

18. Explain any exceptions to the statement certifying compliance with 5 CFR § 1320.9 and the related provisions of 5 CFR § 1320.8(b)(3).

There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

The Commission is not employing any statistical methods with regard to this information collection.