

SUPPORTING STATEMENT

A. Justification:

1. On November 10, 2014, the Federal Communications Commission (Commission) released a Report and Order and Further Notice of Proposed Rulemaking (FCC 14-181) in WT Docket No. 12-40 to reform its rules governing the 800 MHz Cellular Radiotelephone (Cellular) Service. In the Report and Order (Cellular R&O), the Commission changed the Cellular licensing model from site-based to geographic-based. The revised Cellular Service licensing model entailed eliminating several filing requirements that had outlived their usefulness in this mature commercial wireless service that was launched in the early 1980s; it also streamlined application content requirements, and deleted obsolete provisions associated with the legacy site-based regime.

Subsequently, on March 24, 2017, the Commission released a Second Report and Order in that same docket (Cellular Second R&O), together with a companion Report and Order in WT Docket No. 10-112 concerning the Wireless Radio Services (WRS), which include the Cellular Service among others (WRS R&O) (FCC 17-27). The Cellular Second R&O and WRS R&O revised or eliminated certain licensing rules and modernized outdated radiated power and other technical rules applicable to the Cellular Service. As part of FCC 17-27, the Commission also released a Second Further Notice of Proposed Rulemaking in which it sought comment on deleting certain recordkeeping and administrative rules applicable to the Public Mobile Services (including the Cellular Service), which are governed by Part 22 of the Commission's rules.

On July 13, 2018, the Commission released a Third report and Order in the Cellular Reform proceeding (Cellular 3d R&O) (FCC 18-92), in which it deleted certain Part 22 rules that either imposed administrative and recordkeeping burdens that are outdated and no longer serve the public interest, or that are largely duplicative of later-adopted rules and are thus no longer necessary. Among the rule deletions and of relevance to this information collection, the Commission deleted rule section 22.303, resulting in discontinued information collection for that rule section.

The Commission is now seeking approval from the Office of Management and Budget (OMB) for a revision of this information collection.

The information requested in this collection (see Attachment A for specific rules imposing burdens) provides the Commission with information to determine the legal, technical and other qualifications of applicants to operate a station in the Public Mobile Services. The information is also used to determine whether grant of an

application will serve the public interest, convenience and necessity. The staff uses the information to ensure that applicants and licensees comply with ownership and transfer restrictions and otherwise comply with applicable regulatory requirements.

A portion of this information collection does affect individuals or households. Thus, this collection is impacted by the Privacy Act.¹ The FCC's Wireless Telecommunications Bureau (WTB) maintains Internet software used by the public² to apply for licenses, participate in auctions for spectrum, and maintain license information.

The Commission has a System of Records, FCC/WTB-1, "Wireless Services Licensing Records," which covers the personally-identifiable information (PII) that individual applicants may include in their submissions for licenses or grants of equipment authorization.³ At such time as the Commission revises this System of Records Notice ("SORN"), the Commission will conduct a Privacy Impact Assessment ("PIA") and publish the revised SORN in the *Federal Register*. In addition, the Commission will post a copy of both the PIA and the SORN on the FCC's Privacy webpage.

Statutory authority for this collection of information is contained in 47 U.S.C. §§ 154, 222, 303, 309 and 332 of the Communications Act of 1934, as amended.

2. The information collected pursuant to rules in Parts 1 and 22 of the Commission's rules is primarily used by Commission staff to determine, on a case-by-case basis, whether or not to grant licenses authorizing construction and operation of wireless telecommunications facilities to qualified applicants and licensees, who supply this information when applying for such licenses. Additionally, the information is sometimes used by Commission staff to develop statistics about the demand for various wireless telecommunications licenses and about the performance of the licensing process itself, and on occasion for rule enforcement purposes. Because all application information is routinely and normally made public, interested persons, particularly licensees and their representatives, often review this information as it becomes available in order to determine whether they believe that the wireless telecommunications facilities proposed by applicants would affect any existing or planned wireless telecommunications facilities in which they have an interest. If an adverse effect is anticipated, such parties often use the information to help them prepare pleadings opposing a Commission grant of particular application(s).

¹ OMB Memorandum M-03-22, Memorandum for Heads of Executive Departments and Agencies, *OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002*, September 26, 2003.

² The public includes individuals or households for purposes of the Privacy Impact Assessment, under the System of Records, WTB-1, Wireless Services Licensing Records. These include individuals who require help and/or password requests using the ULS, ASR, CORES and related systems and subsystems. Individuals include amateur licensees and individuals representing another person or licensee.

³ The system of records notice (SORN) for FCC/WTB-1, "Wireless Services Licensing Records," was published in the *Federal Register* on April 5, 2006, see 71 FR 17234, 17269. The SORN may also be viewed at <http://www.fcc.gov/omd/privacyact/records-systems.html>.

3. Prior to finalizing rulemakings, WTB conducts an analysis to insure that improved information technology can be used to reduce the burden on the public. This information will be collected via an electronic form posted on the FCC Internet site. This will be the only means of collecting this information. No paper forms will be available for submitting requests to the WTB for support. This form is replacing free form e-mails submitted to the WTB Support Center for help. Electronic submission of these requests from the web site using a standardized form will speed delivery of service and relieves FCC staff from manually processing and tracking e-mail.
4. This agency does not impose a similar collection on the respondents. No similar information is 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 what is absolutely necessary for evaluating and processing the application and to deter against possible abuses of the processes.
6. Collecting this information electronically will enable the Commission staff to execute the application and licensing process for wireless telecommunications facilities faster, and increase the time of response to questions, problems and/or difficulties experienced by auctions and licensing customers, when using the FCC's electronic filing systems. To collect this information otherwise would dramatically slow the processing of applications and licensing decisions.
7. Current data collection is consistent with 5 CFR § 1320.
8. The public has been given the appropriate amount of time to comment on this information collection as required by 5 CFR § 1320.8, via publication of the Notice in the *Federal Register* (83 FR 38142) on August 3, 2018. No comments were received from the public.
9. Respondents will not receive any payments for this collection of information.
10. There is a need for confidentiality with respect to filers who are individuals in this collection. Pursuant to § 208(b) of the E-Government Act of 2002, 44 U.S.C. § 3501, in conformance with the Privacy Act of 1974, 5 U.S.C. 552(a), the Wireless Telecommunications Bureau (Bureau) instructs licensees to use the FCC's Universal Licensing System (ULS), Antenna Structure Registration (ASR), Commission Registrations System (CORES), and related systems and subsystems to submit information.⁴ CORES is used to obtain an FCC Registration Number (FRN) and password, after which one must register all current call sign and ASR numbers

⁴ These instructions have been approved by the Office of Management and Budget (OMB) under Control Number 3060-1042.

associated with an FRN within the Bureau’s system of records (ULS database). Although ULS stores all information pertaining to the individual licensee via the FRN, confidential information is accessible only by persons or entities that hold the password for each account and the Bureau’s licensing staff. Upon the request for an FRN, the individual licensee is consenting to make publicly available, via the ULS database, all information that is not confidential in nature.

11. This collection does not address any private matters of a sensitive nature. As noted above in Question 1, this information collection may affect individuals or households. Any personally identifiable information that is submitted by individuals is covered by a SORN, WTB-1, “Wireless Services Licensing Records.”

12. *Respondent Burden:* Approximately 15,465 respondents will file approximately 16,183 responses per year,⁵ with a response time ranging from 0.013 hours to 10 hours for a total burden of 2,606 hours. This estimate also includes estimates for the annual recordkeeping and third-party disclosure requirements that will be performed by in-house Administrative Assistants equivalent to the GS-11/Step 5 level.⁶

The reporting, recordkeeping,⁷ and third-party disclosure requirements are:

| Section | Respondents/Responses | Hours Per Response | Total Hours |
|----------------|---|---------------------------|--------------------|
| 1.924(g) | Over the last 3 years, the one licensee authorized in the band covered by this section has made no filing that would trigger the required filing. | | |
| 1.927(g) | 100 | 2 | 200 |
| 1.935 | Over the last 3 years, we received less than 10 requests per year for withdrawal of mutually exclusive applications or pleadings related to a request for approval of settlement agreement. | | |
| 1.948(i) | 50 | 2 | 100 |
| 1.956 | Over the last 3 years, we’ve participated in less than ten settlement conferences per year. | | |
| 1.981 | Over the last 3 years, we have received no developmental reports under this section. | | |
| 22.150 | 10 | 10 | 100 |

⁵ The number of respondents and responses have been averaged out over a three-year period in order to calculate the annual costs and hour burdens.

⁶ We estimate that the third-party disclosure requirement will be fulfilled by both technical and clerical in-house personnel, but that the combined effort is equivalent to personnel at the GS-11/Step 5 level.

⁷ Rule sections marked with an asterisk (*) in this list necessitate a recordkeeping burden.

| | | | |
|--|--|-------|-------|
| 22.165(e) | This collection burden is encompassed within the collection burden associated with § 22.953. | | |
| 22.165(i)* ⁸ | 15,000 | .13 | 1,950 |
| 22.313(c)(1)* | 200 | .25 | 50 |
| 22.371 | 12 | 1 | 12 |
| 22.559 | 3 | 4 | 12 |
| 22.589 | 10 | 2 | 20 |
| 22.657(g) | 2 | 2 | 4 |
| 22.709 | 10 | 3 | 30 |
| 22.711 | 10 | 1 | 10 |
| 22.719 | Subsection (c) is virtually identical to § 22.709(e), and thus the collection burden is encompassed within the collection burden associated with § 22.709. | | |
| 22.873 ⁹ | 1 | 1 | 1 |
| 22.913(c) ¹⁰ | 2 respondents/ 720 responses | 0.017 | 12 |
| 22.953 | 50 | 2 | 100 |
| 22.1037 | 5 | 1 | 5 |
| Total Number of Respondents: 15,465 | | | |

⁸ This recordkeeping obligation burden was previously calculated under § 22.303, which no longer exists.

⁹ There is only one licensee that falls into this category that must comply with this rule. That respondent makes up the universe of its respondent pool, and thus, requires OMB approval.

¹⁰ This rule section necessitates a third-party disclosure burden under certain circumstances set forth in the rule. Specifically, a one-time third-party disclosure burden is triggered if a respondent chooses to operate its Cellular system in a particular market at power spectral density limits above a certain threshold (“Higher PSD Limits”), in which case the respondent must provide written advance notice of such operation to the public safety licensees within a certain radius. The figures reflect our estimates that 2 respondents will choose to operate at the Higher PSD Limits in 4 markets each annually, on average, for the next 3 years, and that the average number of third-party disclosures per market is 90. We further estimate that a form letter will be used, but that unique technical parameters will be added for the pertinent cell sites, and that the estimated average time per response is 0.017 hours. Therefore, the number of respondents and responses under Section 22.913(c) were calculated as follows: 2 respondents x 4 markets each (annually) = 8 markets total x 90 responses per market = 720 responses total (360 responses annually for each respondent for the respondent’s 4 markets in the aggregate).

Total Number of Responses: 16,183

Total Annual Burden Hours: 2,606 hours

In-house costs: The Commission estimates that in-house staff at the equivalent of a GS-11/Step 5 (\$36.12/hour) will fulfill the requirements. Therefore, the in-house costs are:

$$2,606 \text{ hours} \times \$36.95/\text{hour} = \mathbf{\$96,291.70}$$

13. Respondent Costs: Of the 15,465 respondents filing information or keeping records, we estimate that 75% (11,599) of them will also need outside assistance from contracting attorneys or engineers to fulfill the requirements. We estimate that the contractors will be paid \$275¹¹ per hour and it should take them roughly a total of 6 hours per response. Therefore, the external costs are as follows:

$$11,599 \text{ respondents} \times \$275/\text{hour} \times 6 \text{ hours}/\text{response} = \mathbf{\$19,138,350.00}$$

14. Federal Government Costs: The Mobility Division of the Wireless Telecommunications Bureau is primarily responsible for administering the Public Mobile Services. Hence, the cost to the Federal Government would be the annual personnel budget for the Division for this purpose. We estimate that the Commission would assign an Engineer at the GS 14/Step 5 level, and that it would take the Engineer an average of thirty minutes per submission, at a cost of \$62.23 per hour to examine and process these submissions. There are an estimated 263 submissions that will be made to the Commission annually.

$$263 \text{ responses} \times 0.5 \text{ hours}/\text{response} \times \$62.23/\text{hour} = \$8,183.25$$

TOTAL ANNUAL COST TO THE FEDERAL GOVERNMENT IS: \$8,183.25

15. The Commission has program changes to the information collection to reflect the adoption of the Cellular Third R&O in WT Docket No. 12-40, FCC 18-92, which deleted rule section 22.303 pursuant to which Part 22 licensees were required to retain the authorization for each station and other documentation as a permanent part of station records. Specifically, this program change decreases the estimated annual burden hours by 1,800 hours.

There are no adjustments to this collection.

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

¹¹ The Commission arrived at \$275/hour based on the following calculation: an attorney is estimated to be paid \$300/hour and an engineer is estimated to be paid \$250/hour, so the average of the two hourly rates due to the Commission not knowing if an engineer or attorney will fulfill the requirements is $\$300 + \$250 = \$550/2 = \$275/\text{hour}$.

17. No expiration date will need to be displayed since these requirements are contained in rule sections.

18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.

ATTACHMENT A

Part 1 -- PRACTICE AND PROCEDURE

Subpart F – Wireless Telecommunications Services Applications and Proceedings

| | |
|----------|---|
| 1.924 | Quiet zones |
| 1.927 | Amendment of applications |
| 1.935 | Agreements to dismiss applications, amendments or pleadings |
| 1.948(i) | Trafficking showing |
| 1.956 | Settlement conference |
| 1.981 | Reports, annual and semi-annual |

Part 22 – PUBLIC MOBILE SERVICES

Subpart A -- Scope and Authority

Subpart B – Licensing Requirements and Procedures

| | |
|--------|--|
| 22.150 | Standard pre-filing technical coordination procedure |
| 22.165 | Additional transmitters for existing systems |

Subpart C – Operational and Technical Requirements

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|--------|--|
| 22.313 | Station identification |
| 22.371 | Disturbance of AM broadcast station antenna patterns |

Subpart D – Developmental Authorizations

Subpart E – Paging and Radiotelephone Service

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|--------|---|
| 22.559 | One-way paging application requirements |
| 22.589 | One-way or two-way application requirements |
| 22.657 | Transmitter locations |

Subpart F – Rural Radiotelephone Service

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|--------|---|
| 22.709 | Rural radiotelephone service application requirements |
| 22.711 | Provision of information to applicants |
| 22.719 | Additional channel policy for rural radiotelephone stations |

Subpart G – Air-Ground Radiotelephone Service

22.873 Construction period for commercial aviation air-ground systems
(3 & 5 yr. notifications)

Subpart H – Cellular Radiotelephone Service

22.913(c) Advance notification requirement (prior to operating above
specified power spectral density limits)

22.953 Content and form of applications (for Unserved Area
authorizations)

Subpart I – Offshore Radiotelephone Service

22.1037 Application requirements for offshore stations