

## Transforming the 2.5 GHz Band

### SUPPORTING STATEMENT

**1. Introduction:** The Federal Communications Commission (Commission or FCC) seeks approval from the Office of Management and Budget (OMB) to revise the information collection under OMB Control Number 3060-1094, which supports the Commission's efforts to make more mid-band spectrum available. The Commission seeks emergency processing under the Paperwork Reduction Act (PRA), 5 U.S.C. § 1320.13. The Commission is requesting approval from OMB for this new information collection requirements no later than 35 days after it is received at OMB.

#### **A. Information Collection Requirements:**

Under OMB Control Number 3060-1094 the Commission is permitted to collect information associated with 47 C.F.R. 27.1221(f) to help protect licensees from interference in the 2500-2690 MHz Band. On July 10, 2019, the FCC adopted: *Transforming the 2.5 GHz Band*, WT Docket No. 18-120, Report and Order, FCC 19-62. The Report and Order adopted service rules, Construction Requirements (47 C.F.R. 27.14(u), and a Tribal Priority Filing Window (47 C.F.R. 27.1204) for the 2500-2690 MHz Band. The information collection requirements contained in 47 C.F.R. 27.1221(f) have not changed since last approved by OMB. They remain a part of this information collection. OMB Control Number 3060-1094 is being revised to collect information associated with 47 C.F.R. 27.14(u) and 27.1204 and to change the title of the collection from "Licensing, Operation, and Transition of the 2500-2690 MHz Band" to "Transforming the 2.5 GHz Band".

For the purpose of this collection, an Educational Broadband Service (EBS) licensee may be required to comply with each of the following information-collection and recordkeeping requirements and a Broadband Radio Service (BRS) licensee may be required to comply with 47 C.F.R. 27.1221(f).

**(a) Section 27.14(u)** requires EBS licensees to file construction notifications and certify that they have met the applicable performance benchmarks.

**(b) Section 27.1204** requires an EBS applicant applying for a license in the Tribal Priority Filing Window to demonstrate that they are: (1) a federally recognized American Indian tribe or Alaska Native Village; or an entity that is owned and controlled by a federally-recognized Tribe or a consortium of federally-recognized Tribes; (2) requesting a license on Tribal land; (3) requesting a license in a rural area; and (4) have a local presence on the Tribal land for which they are applying.

(c) **Section 27.1221(f)** requires an BRS/EBS licensee to provide the geographic coordinates, the height above ground level of the center of radiation for each transmit and receive antenna, and the date transmissions commenced if requested by a co-channel licensee

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

The statutory authority for the Commission to carry out these collections are contained in 47 U.S.C. §§ 151, 152, 153, 154, 155, 157, 301, 302, 303, 307, 308, 309, 310, and 316.

The information collection requirements in this collection do not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. *Use of Information.* The Commission will use the information to reduce interference and to determine compliance with Commission rules.

3. *Technological collection techniques.* The Commission wants respondents to provide the requested information and notifications electronically through the Universal Licensing System (ULS). ULS is an electronic filing system that reduces the burden on respondents.

4. *Efforts to identify duplication.* There will be no duplicative information collected. The information sought is unique to the respondent and is not already available because, the Commission does not impose a separate similar information collection on the respondent. Thus, there is no similar data available under another information collection.

5. *Impact on small entities.* 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 reducing interference and evaluating compliance with Commission rules.

6. *Consequences if information is not collected.* The information needs to be collected to reduce interference and ensure compliance with Commission regulations.

7. *Special circumstances.* No special circumstances exist for this collection.

8. *Federal Register notice; efforts to consult with persons outside the Commission.* Emergency approval is being sought for the above-described information collection requirements, and the Commission seeks waiver of the 60-day notice requirement due to the emergency nature of this request under 5 C.F.R. § 1320.8(d). However, the Commission has published a 30-day emergency PRA notice in the Federal Register announcing submission of this emergency request and seeking public comment on the new information collection (*see* 84 FR 46009) (September 3, 2019).

Eight comments were received in response to this notice, with the majority having concerns on the timing of the application window and burden of the collection. In response to this the Commission would like to clarify that the application filing window for Tribal Priority applications will open sometime in January 2020 and will remain open for at least 90 days, though the Commission may possibly keep it open longer. Additionally, some of the burden associated with this effort is

contained in and accounted for in OMB control number 3060-0798, though the Commission understands the complexity of this process for respondents and will be releasing a public notice with further guidance in the near future.

The Commission will follow all of the regular OMB clearance processes and procedures for the revised information collection upon approval of its emergency request and will publish the necessary notices in the Federal Register when seeking regular OMB approval.

9. *Payments or gifts to respondents.* Respondents will not receive any payments or gifts associated with this information collection.

10. *Assurances of confidentiality.* There is no need for confidentiality. Respondents or applicants may request materials or information submitted to the Commission be withheld from public inspection under 47 C.F.R. 0.459 of the Commission's rules.

11. *Questions of a sensitive nature.* The information collection requirements contained in this collection do not address any private matters of a sensitive nature.

12. *Annual Burden:* For the purpose of this information collection, the Commission estimates the number of respondent burden hours for each rule section which contains information collection requirements. The chart below outlines the number of respondents, frequency of response, time per response, and total annual burden hours for this collection.

#### **Existing and New Burden Hours:**

*Existing:* Section 27.1221(f) Interference Protection of the Commission's rules has been previously approved by OMB. Section 27.1221(f) will not employ contract consultants to fulfill any of its burden hours.

*New:* The Commission's adopted Construction Requirements (47 C.F.R. 27.14(u)) and a Tribal Priority Filing Window (47 C.F.R. 27.1204) for the 2500-2690 MHz Band which will increase the number of respondents and responses. We expect the respondents to each submit one construction filing and one Tribal priority filing.

#### **Revised Burden added to this information collection:**

The in-house cost is reflective in the table below titled "Annual Burden." We assume that the respondents will use an in-house staff attorney (\$69.34/hour)<sup>1</sup> an in-house electronic engineer (\$51.89/hour)<sup>2</sup> to consult and prepare information.

---

<sup>1</sup> United States Department of Labor, U.S. Bureau of Labor, Bureau of Labor Statistics, Occupational Employment Statistics, Occupational Employment and Wages, May 2018, 23-1011 Lawyers, National estimates for this occupation.

<sup>2</sup> United States Department of Labor, U.S. Bureau of Labor, Bureau of Labor Statistics, Occupational Employment Statistics, Occupational Employment and Wages, May 2018, 17-2072 Electronics Engineers, Except Computer, National estimates for this occupation.

The Commission calculates the burden for each rule to be as follows:

Annual Burden

12-	Burden on Respondents	Number of Respondents	Number of Annual Responses	Time per Response (Hours)	Total Burden Hours
a.	§ 27.14(u) Construction Requirements (On Occasion Reporting Requirement)	8	8	2	16
b.	§ 27.1204 EBS Tribal Priority Filing Window (On Occasion Reporting Requirement)	8	8	10	80
c.	§ 27.1221(f) Interference Protection (Third party Disclosure Requirement)	10	250	.50	125
	<b>Total:</b>				<b>221</b>

**12-a.** *Construction Requirements 47 C.F.R. 27.14(u).* The Commission adopted performance requirements that require EBS licensees to provide signal coverage and offer service to the license area’s population. On average, the Commission believes that 8 of these filings will be prepared by a respondent’s existing staff attorneys (“in-house”) at approx. \$69.34 per hour, and we estimate that it would take about 2 hours to complete this filing.

**Annual Burden:** 8 responses x 2 hours/response = **16 hours.**

**In-house Cost:** 8 responses x 2 hours/response x \$69.34 per hour = **\$1,109.44.**

**12-b.** *EBS Tribal Priority Filing Window 47 C.F.R. 27.1204.* The Commission adopted a Tribal priority window for Tribal entities to obtain EBS licenses on Tribal lands that are located in rural areas. On average, the Commission believes that 8 of these filings will be prepared by a respondent’s existing staff attorneys (“in-house”) at approx. \$69.34 per hour, and we estimate that it would take about 10 hours to complete this filing.

**Annual Burden:** 8 response x 10 hours/response = **80 hours.**

**In-house Cost:** 8 responses x 10 hours/response x \$69.34 per hour = **\$5,547.20**

**12-c.** *Interference Protection 47 C.F.R. 27.1221(f):* The Commission requires an BRS/EBS licensee to provide the geographic coordinates, the height above ground level of the center of radiation for each transmit and receive antenna, and the date transmissions commenced if requested by a co-channel licensee. Section 27.1221(f) has no changes made to the burden hours for this requirement since it was last approved by OMB.

**Annual Burden:** 250 responses x .50 hours/response = **125 hours**

**In-house Cost:** 250 responses x .50 hours/response x \$51.89 per hour (Electronic Engineer) = **\$6,486.25**

**TOTAL NUMBER OF RESPONDENTS: 8 + 8 + 10 = 26 Licensees.**

**TOTAL NUMBER OF RESPONSES: 8 + 8 + 250 = 266.**

**TOTAL ANNUAL BURDEN HOURS: 16 + 80 + 125= 221 Hours.**

**ANNUAL IN-HOUSE COST: \$1,109.44 + \$5,547.20 + \$6,486.25 = \$13,143 (rounded).**

13. Annual Consultant Cost “Annual Cost”: Applicants should not incur outside capital and start-up costs and/or operation and maintenance of purchase or services in connection with this information collection. However, we assume that the respondents will contract consultants to handle some of the burden of reporting for Sections 27.14(u) and 27.1204.<sup>3</sup> on behalf of the respondents. The Commission assumes that the respondents will use a consultant engineer (\$250/hour) to consult and prepare some of the information.

<b>13 -</b>	<b>Burden on Respondents</b>	<b>Number of Respondents</b>	<b>Number of Annual Responses</b>	<b>Time per Response (Hours)</b>	<b>Total Burden Hours</b>
a.	§ 27.14(u) Construction Requirements (On Occasion Reporting Requirement)	24	24	2	48
b.	§ 27.1204 EBS Tribal Priority Filing Window (On Occasion Reporting Requirement)	24	24	10	240
c	§ 27.1221(f) Interference Protection	0	0	0	0

13-a. *Construction Requirements 47 C.F.R. 27.14(u).* The Commission adopted performance requirements that require EBS licensees to provide signal coverage and offer service to the license area’s population. On average, the Commission believes that 24 of these filings will be prepared by a respondent’s consultant at approx. \$250 per hour, and we estimate that it would take about 2 hours to complete this filing.

Annual Consultant Cost: 24 responses x 2 hours of engineer time per response x \$250/hour = \$12,000.

13-b. *EBS Tribal Priority Filing Window 47 C.F.R. 27.1204.* The Commission adopted a Tribal priority window for Tribal entities to obtain EBS licenses on Tribal lands that are located in rural areas. On average, the Commission believes that 24 of these filings will be prepared by a

---

<sup>3</sup> We do not expect the respondents to incur any outside contracting costs in connection with the information-collection and recordkeeping requirements associated with Section 27.1221(f).

respondent's consultant at approx. \$250 per hour, and we estimate that it would take about 10 hours to complete this filing.

Annual Consultant Cost: 24 responses x 10 hour of engineer time per response x \$250/hour = \$60,000.

13-c. *Interference Protection 47 C.F.R. 27.1221(f)*. The Commission requires an BRS/EBS licensee to provide the geographic coordinates, the height above ground level of the center of radiation for each transmit and receive antenna, and the date transmissions commenced if requested by a co-channel licensee. We do not expect respondents to employ contract consultants to comply with these requirements.

Annual Consultant Cost: \$0.

13-a. §27.14(u) =	\$12,000.
13-b. §27.1204 =	\$60,000.
13-c. §27.1221(f) =	\$ 0.
Total Annual Cost Burden – Consultant	\$72,000.

**Total Annual Cost (Consultant) \$72,000.**

#### 14. Federal Government Cost:

14-a. *Construction Requirements 47 C.F.R. 27.14(u)*. The Commission adopted performance requirements that require EBS licensees to provide signal coverage and offer service to the license area's population. We estimate that, on average, the cost to the Commission for a GS 14 step 5 engineer<sup>4</sup> at \$63.64 per hour and to take .5 hour to review the application.

32 licenses x .5 hours x \$63.64 = **\$1,018.**

14-b. *EBS Tribal Priority Filing Window 47 C.F.R. 27.1204*. The Commission adopted a Tribal priority window for Tribal entities to obtain EBS licenses on Tribal lands that are located in rural areas. We estimate that, on average, the cost to the Commission for a GS 14 step 5 attorney at \$63.64 per hour and to take 10 hours to review the application.

32 licenses x 10 hours x \$63.64 = **\$20,365.**

14-c. *Interference Protection 47 C.F.R. 27.1221(f)*. The Commission requires a BRS/EBS licensee to provide the geographic coordinates, the height above ground level of the center of radiation for each transmit and receive antenna, and the date transmissions commenced if requested by a co-channel licensee. The Commission does not review this information so it will not incur any costs.

**Total Cost to the Federal Government: \$1,018 + \$20,365 = \$21,383.**

---

<sup>4</sup> OPM, Pay & Leave, Salaries & Wages, 2019 General Schedule (GS) Locality Pay Tables, Hourly Wages.

15. *Program changes or adjustments to the collection.* There are program changes to this collection. The number of respondents has increased by 16, the number of responses has increased by 16, the annual burden hours have increased by 96 hours and the annual costs have increased by \$72,000. These program changes/increases are due to adding rules § 27.14(u), and § 27.1204 to this collection in the adoption of FCC 19-62.

16. *Collections of information whose results will be published.* The data will not be published for statistical use.

17. Display of expiration date for OMB approval of information collection. The Commission does not request OMB approval to not display the expiration date for OMB approval of the information collection. The Commission publishes a comprehensive listing of all OMB-approved information collections in 47.C.F.R. 0.408. This listing “displays” the title of the collection, its OMB control number and OMB expiration date.

18. *Exceptions to certification statement for Paperwork Reduction Act submissions.* There are no exceptions to the certification statement.

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

No statistical methods are employed.