

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 June 30, 2016, the Public Safety and Homeland Security Bureau (PSHSB or the Bureau) released a Public Notice (DA 16-739) detailing licensing guidance for public safety agencies operating along the U.S.- Canada border who seek to improve the ability of their first responders to communicate along and across the border in order to better respond to emergency incidents which occur in the border region. The guidance in the Public Notice applies to any public safety licensee operating a Private Land Mobile Radio (PLMR) system on any frequency band authorized under Part 90 of the Commission's rules.

The Public Notice contains information collection requirements. In particular, PSHSB

- 1) requires any U.S. public safety licensee seeking to have its first responders communicate through a base station repeater in Canada to first obtain written consent from the Canadian licensee of that base station (host licensee);
- 2) advises any public safety licensee of a base station repeater located in the U.S. that it may act as a host licensee for first responders from Canada provided it first agrees to terms of use for the base station repeater and provides its written consent to the Canadian licensee; and
- 3) recommends an applicant include a description of how it intends to interoperate with licensees from Canada, including copies of any written agreements, if it needs to file an application in order to operate PLMR facilities under any of the cross-border scenarios described in the Public Notice.

By way of background, Section 90.421(b) of the Commission's rules permits licensees operating PLMR stations to communicate with stations in a foreign country provided prior approval from the Commission is obtained and such communication is permitted by the government which authorizes the foreign station.

In this regard, staff at PSHSB along with staff at the International Bureau and State Department discussed with officials from the Innovation, Science and Economic Development Canada (ISED) whether or not existing arrangements and understandings between the U.S. and Canada permit first responders along the border to communicate under the cross-border scenarios described in the Public Notice.

Staff at PSHSB and ISED (collectively the Agencies) agreed to sign a "Statement of Intent" in October 2014 to allow public safety licensees to roam across the border with their licensed mobile and hand-held radio equipment as described in the Public Notice.

Furthermore, staff at the Agencies agree that existing regulations and international agreements permit a first responder using a mobile or hand-held radio in one country to communicate through a base station repeater located in the other country but that certain conditions should be met beforehand.

One of the conditions agreed to by the Agencies is a requirement for the licensee of the first responder's radio to obtain written consent from the licensee of the base station repeater (host licensee) before a first responder begins communicating through a base station repeater on the other side of the border. The purpose of the written consent is to ensure that first responders know the protocols and procedures for communicating through the base station repeater in the other country before they begin transmitting with that base station.

Consequently, in its Public Notice, PSHSB instructs any U.S. public safety licensee seeking to have its first responders communicate through a base station repeater in Canada to first obtain written consent from the Canadian licensee of that base station (host licensee). It suggests the written consent contain:

- the call sign or co-channel serial (COSER) coordination number (if applicable) of the base station repeater in Canada, and
- a list the input/output frequencies to which the U.S. first responder will have access.

Furthermore, PSHSB in its Public Notice advises any public safety licensee of a base station repeater located in the U.S. that it may act as a host licensee for first responders from Canada provided it first agrees to terms of use for the base station repeater and provides its written consent to the Canadian licensee. It suggests the written consent include:

- the call sign or COSER number (if applicable) of the Canadian licensee whose first responders are permitted to communicate through the base station repeater in the U.S., and
- list the input/output frequencies to which the Canada first responders will have access.

In either case, PSHSB notes that the format for written consent is left to the parties involved.

Finally, Section 90.129(h) requires an applicant applying for a license under Part 90 of the Commission's rules to specify in its application if it intends to communicate with a foreign station.

Consequently, PSHSB recommends in its Public Notice that an applicant include a description of how it intends to interoperate with licensees from Canada, including, copies of any written agreements, should it need to file an application in order to operate PLMR facilities under any of the cross-border scenarios described in the Public Notice.

The statutory authority for requiring licensees to enter into the written agreements described above 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), and 332(c)(7).

This information collection does not affect individuals or households; thus; there is no impact under the Privacy Act.

The Commission is seeking the Office of Management and Budget (OMB) approval to extend this information collection in order 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 an agency to issue written consent before allowing first responders from the other country to communicate with its base station repeater ensures to that the licensee of that base station repeater (host licensee) maintains control and is responsible for its operation at all times. The host licensee can use the written consent to ensure that first responders from the other country understand the proper procedures and protocols before they begin communicating with its base station repeater.

Moreover, in its written consent, the host licensee can detail the types of communications permitted over the base station repeater and specify the frequencies to which first responders from the other country will have access.

Furthermore, when reviewing applications filed by border area licensees, PSHSB licensing staff will use any description of how an applicant intends to interoperate with licensees from Canada, including copies of any written agreements, in order to coordinate the application with ISED and reduce the risk of an inadvertent rejection by ISED.

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.

PSHSB states in its Public Notice that the format of the written consent from a host licensee in one country to a licensee seeking access to the base stations repeater in the other country is left to the parties involved. Thus, licensees may use electronic means such as email for issuing and receiving written consent.

Furthermore, when filing applications, licensees may generate the description of how they intend to interoperate with licensees from Canada in any of a number of formats and electronically attach them to their Form 601 application.

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, PSHSB makes an effort to minimize the burden of information collection on all its licensees regardless of size. To that end, the information collections detailed in PSHSB's Public Notice apply to the absolute minimum number of licensees necessary.

For instance, the requirement for a U.S. licensee to issue written consent under PSHSB's Public Notice applies only if that licensee seeks to allow first responders from Canada access to its base stations repeater. Whereas, the requirement for a U.S. licensee to receive written consent from a host licensee in Canada applies only if that licensee's first responders seek the ability to communicate through a base station repeater in Canada.

Finally, the need to include a description of how an applicant will interoperate with licensees from Canada applies only to applicants who seek to license PLMR facilities along the border in order to operate under one of the scenarios described in PSHSB's Public Notice.

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 first responder communicating through a base station repeater in the other country without first seeking written approval from the licensee of that base station is that the unauthorized communication could cause interference or confusion during an emergency event.

As noted above, the requirement for a host licensee to issue written consent ensures that the host licensee maintains control of its base station repeater at all times and that first responders from the other country understand the procedures and protocols for communicating through the host licensee's base station.

Nonetheless, the issuing and receiving of written concurrence need only be a one-time collection. The host licensee needs to issue its written consent only once; before first responders from the other country commence communication with the base station repeater. Licensees may, however, agree to periodically review written concurrences if they so choose.

PSHSB recommends that an agency include a description of how it intends to interoperate with licensees from Canada, including any written agreements, if it needs to file an application in order to operate under any of the cross-border scenarios described in the Public Notice. The consequence of not including the documents is that an application without such attachments could inadvertently be rejected by ISED during the coordination process if ISED believes the applicant would cause interference to a licensee in Canada.

Therefore, it behooves applicants to include recommended documents with their application in order to avoid unnecessary delay in the application process.

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 collections detailed in PSHSB's Public Notice are consistent with the guidelines in 5 C.F.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 C.F.R. § 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 October 9, 2019 (84 FR 54144). 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.

Public safety agencies subject to the information collections detailed in PSHSB's Public Notice 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.

PSHSB requests that an agency submit a description of how it intends to interoperate with licensees from Canada, including copies of any written agreements, if it need to file an application in order to operate its PLMR facilities under any of the cross-border scenarios described in the Public Notice. No confidential information need be included with the application.

Nonetheless, there is a need for confidentiality with respect to all PLMR licensees who file applications with the Commission.

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), PSHSB instructs licensees 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 Bureau'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 the request of a FRN, the individual licensee is consenting to make publicly available, via the ULS database, all information that is not confidential in nature.

Information on the private land mobile radio licensees is maintained in the Commission's system of records, FCC/WTB-1, "Wireless Services Licensing Records." The licensee records will be publicly available and routinely used in accordance with subsection (b) of the Privacy Act. TIN Numbers and material which is afforded confidential treatment pursuant to a request made under 47 C.F.R. § 0.459 will not be available for Public inspection. Any personally identifiable information (PII) that individual applicants provide is covered by a system of records, FCC/WTB-1, "Wireless Services Licensing Records," and these and all other records may be disclosed pursuant to the Routine Uses as stated in this system of records notice.

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

PSHSB is not requiring any licensee to submit sensitive information with the written consent documents described above or with the description of how it intends to interoperate with licensees from Canada.

Nonetheless, in instances where licensees provide personally identifiable information (PII), the FCC 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 June 2, 2007 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.

There are approximately 3,224 public safety agencies who operate PLMR systems within 110 kilometers of the border with Canada. We believe this is the total universe of licensees who would be subject to the guidance detailed in PSHSB's Public Notice.

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

Below we estimate burden hours for each collection specified in the Public Notice.

- 1) We estimate a U.S. agency would need 0.5 hours to review written consent from the licensee of a base station in Canada (host licensee). Obtaining written consent is a one-time requirement before a U.S. agency's first responders begin communicating with a base station repeater in Canada. PSHSB recommends the written consent include the call sign or co-channel serial (COSER) coordination number (if applicable) of the base station repeater in Canada, and a list the input/output frequencies to which the U.S. first responder will have access. Assuming every agency along the border needs to obtain written consent from a host licensee in Canada, the burden hours for this one-time collection would be:

$$3,224 \text{ Agencies} \times 0.5 \text{ hours} = 1,612 \text{ hours.}$$

- 2) We estimate a U.S. agency would need 1 hour to draft a written consent in order to act as a host licensee for first responders from Canada. Issuing written consent is a one-time requirement before a Canadian agency's first responders begin communicating with the host licensee's base station repeater in the U.S. PSHSB recommends the written consent include the call sign or COSER number (if applicable) of the Canadian licensee whose first responders are permitted to communicate through the base station repeater in the U.S., and list the input/output frequencies to which the Canada first responders will have access. Assuming every agency along the border needs to issue written consent, the burden hours for this one-time collection would be:

$$3,224 \text{ Agencies} \times 1 \text{ hour} = 3,224 \text{ hours.}$$

- 3) We estimate a U.S. agency would need 0.25 hours to draft a description of how it intends to interoperate with licensees from Canada and attach it, including copies of any written agreements, to an application. PSHSB recommends an agency include these documents if it needs to file an application to modify its license or apply for a new license in order to operate under any of the cross-border scenarios described in the Public Notice. We anticipate such an application being a one-time filing. Assuming every agency along the border needs to file such an application, the burden hours for this one-time filing would be:

$$3,224 \text{ Agencies} \times 0.25 \text{ hours} = 806 \text{ hours.}$$

Total Respondents: 3,224

Total Responses: 3,224

Total Annual Burden Hours: 1,612 + 3,224 + 806 = 5,642 hours

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 collections detailed in PSHSB's Public Notice.

There are no operational or maintenance costs associated with information collections detailed in PSHSB's Public Notice.

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

PSHSB staff will only review the information collection documents described in its Public Notice if a public safety agency includes the documents as an attachment to an application. We estimate it will take staff 0.25 hours to review such attachments when reviewing an application.

Assuming every agency along the border files an application and includes the recommended attachment with a one-time application, we estimate the cost to Federal Government to be:

\$35.02 salary per hour (GS 12/5 engineer) x 0.25 hours x 3,224 applications = \$28,226.12 Total for One-Time Collection

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

From the last submission to OMB, there are no program changes or adjustments to this information collection.

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

The Commission will not publish any of the information collection document detailed in its Public Notice.

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 C.F.R. § 1320.9 and the related provisions of 5 C.F.R. § 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.