

SUPPORTING STATEMENT

A. Justification:

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

The Commission is requesting that the Office of Management and Budget (OMB) approve the extension of this collection in order to obtain the full three-year clearance from the OMB.

Commission Rules, 47 CFR Part 5 requires that radio frequency spectrum be made available for experimentation as defined and provided in the rules. Application for renewal of station license shall be submitted on FCC Form 405.

Section 307(c) of the Communications Act requires that written applications be submitted for renewal. The regular license period for renewable stations in the Experimental Radio Service is either 2 or 5 years.

FCC Form 405 includes information that the applicant must provide:

- (1) Applicant Name:
 - Mailing address
 - E-Mail address
 - Telephone number
 - Call Sign or other FCC identifier
 - FCC Registration Number (FRN)
 - Rule/subpart under which filing is made
- (2) Application is for license renewal in exact conformity with existing license:
 - (a) File number
 - (b) Date issued
 - (c) Call sign
 - (d) Location
 - (e) Nature of service
 - (f) Class of station
 - (g) Expiration date

This collection of information is authorized under Sections 4(i), 301, 302, 303(e), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 301, 302, 303(e), 303(f), and 303(r).

This information collection affects individuals or households. The Commission has a System of Records, FCC/OET-1 “Experimental Radio Station License Files” which cover the personally identifiable information (PII) that individual applicants may include in their submissions for experimental radio authorizations.¹

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 information submitted on FCC Form 405 is used by Commission staff to evaluate the applicant/licensee’s need for a license renewal. In performing this function, staff performs analysis of the renewal request as compared to the original license grant to ascertain if any changes are requested.

- (a) If so, additional analysis is performed to determine if such changes meet the requirements of the rules of the Experimental Radio Service for interference free operation.
- (b) If needed, the collected information is used to coordinate such operation with other Commission Bureaus or other Federal Agencies.
- (c) All applications are also analyzed on their merits regarding whether they meet the general requirements for an Experimental license. These requirements are set out in 47 CFR Part 5.
- (d) The information includes, but is not limited to:

- city
- state
- geographical coordinates of the antenna locations
- radius of mobile operations in kilometers
- frequencies or frequency bands
- necessary bandwidths
- three emission symbols
- effective radiated powers
- frequency tolerance.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The Commission uses an automated, on-line data collection system, the Experimental Licensing System (ELS), for obtaining the information requested by FCC Form 405.

¹ The system of records notice (SORN) for FCC/OET-1. “Experimental Radio Station License Files,” was published in the Federal Register on June 11, 2019, see 84 FR 27115- 27117. The SORN may be viewed at <https://www.fcc.gov/general/privacy-act-information>

- (a) The current rules require that all information be submitted electronically through this system.
- (b) However, applicants may request a waiver of this requirement if they have a compelling need to file the paper form.
- (c) This requirement was established to provide faster, more efficient service to applicants by streamlining the Commission's processes.
- (d) Under electronic filing, staff does not have to manually enter data from the form into the filing system. Currently, this service attains 100% electronic filing.

Applicants may file FCC Form 405 electronically at:
<https://apps.fcc.gov/oetcf/els/forms/405RenewalEntry.cfm>

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

This information collection requirement is not duplicated elsewhere in the Commission's rules— only applicants/licensees filing in the Experimental Radio Services, in the FCC's Office of Engineering and Technology, use FCC Form 405.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The FCC Form 405 filing requirement does not have a significant impact on a substantial number of small entities.

- (a) The paperwork burden for FCC Form 405 is minimal, consisting of one page of instructions to respondents and one page of data collection.
- (b) FCC Form 405 is filed by applicants/licensees (respondents) applying for renewals of their licenses.
- (c) FCC Form 405 is only filed at expiration of an existing authorization—usually two years, at this time a renewal application must be filed.²

6. Describe the consequence 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 burden.

² Should the manufacturer applicants/licensees make subsequent modifications to their equipment, then they would file FCC Form 442, Application for New or Modified Radio Station Authorization under Part 5 of FCC Rules – Experimental Radio Service (Other than Broadcast).

The filing frequency for license renewals is usually **two years**. An applicant/licensee may request a time period between six months and five years with a supporting statement to that effect as mandated by 47 CFR Part 5.71.

- (a) Less frequent collection of this data would not be conducive to effective spectrum management or efficient spectrum use, since periodic re-evaluation of an applicant's frequency use helps to ensure:
 - (i) that interference is not being caused to new radio stations, which may have been established since the last time the license was granted, and
 - (ii) that only those frequencies that are still needed by the applicant are being requested.
- (b) This collection is used to provide for experimentation with new radio techniques.

7. Explain any special circumstances that cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This collection of information is consistent with the guidelines in 5 CFR Part 1320(d)(2).

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB.

-Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The views of industry and the public were solicited when the Commission published a 60-day Notice in the *Federal Register* on May 18, 2020, (85 FR 29712). No comments were received in response to publication of the Notice in the Federal Register. The notice is referenced in the submission to the OMB.

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

The Commission does not provide any payment or gift to respondents.

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

Applicants may request that any information supplied be withheld from public inspection, *e.g.*, granted

confidentiality, pursuant to 47 CFR Section 0.459 of the FCC's rules.

All information provided in FCC Form 405 and not granted confidential, is made available for public inspection.

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

No sensitive information is required for this collection.

12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.

The Commission estimates that respondents (applicants/licensees) will file 520 FCC Form 405's annually and that the average burden per respondent is estimated to be 2.25 hours per application.

Total Number of Respondents: 520 applicants/licensees

Total Number of Responses Annually: 520 responses

The Commission estimates that each respondent (applicants/licensees) will file only one FCC Form 405 annually.

(a) We estimate that to comply with the reporting requirements on FCC Form 405, it will take each applicant (respondent) approximately 1.5 hours to read the directions, to perform any necessary calculations, to answer the questions regarding significant environmental impact, to describe the program of experimentation, and to read the instructions for the fee processing data.

(b) The estimated time to type information into the FCC Form 405 ELS webpage is 0.75 hours at:

<https://apps.fcc.gov/oetcf/els/forms/405RenewalEntry.cfm>

(c) Therefore, the average estimated time required to complete the form is 2.25 hours:

1.5 hours/reading & reviewing form + 0.75 hour/typing in data = 2.25 hours/FCC Form 405

Total Number of Respondents: 520 applicants

Total Annual Burden Hours: 520 applications x 2.25 hours/application = 1,170 hours

13. Provide estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12

and 14).

(a) Total annualized capital/startup costs: \$0.00

(b) Total annual costs (O&M): **\$179,400.00**

The Commission assumes that respondents use outside legal or engineering assistance to complete and file their applications.

(i) The estimated cost to applicants for these services is approximately \$275 per hour.³

(ii) This figure is based on a small survey of local firms in the D.C. area and is considered to be a conservative estimate:

\$275/hour legal/engineering consultants x 520 responses x 1/hr per submission = **\$143,000.00**

There is a FCC filing fee of \$70 per application:

520 FCC Form 405 x \$70 per application fee = **\$36,400.00**

\$143,000 legal/engineering consultants + \$ 36,400/application fees = **\$179,400.00**

(c) Total annualized cost requested: **\$ 179,400.00**

14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expenses that would not have been incurred without this collection of information.

We make the following estimates for the total annual cost to the Federal Government:

(a) The Commission will use these staff to review these submissions:

Supervisory Electronics Engineer (GS-15 step 5: \$77.49/hour)
4 FCC staff Engineer (GS 14 step 5: \$65.88/hour)
FCC Staff Information Technician (GS 7 step 5: \$26.43/hour).

(b) These FCC staff will spend approximately 1,170 hours of their work time:

520 responses per year x 2.25 hours = **1,170 hours.**

The Commission believes that the staff work time is equally divided:

1,170/6 staff = 195 hours/staff to review these submissions.

³ The Commission estimates that the hourly rate for an outside attorney is \$300/hour and an outside engineer is \$250/hour. Therefore, since an attorney or engineer will provide assistance to complete and file the applications the average of the two rates is \$275/hour ($\$300 + \$250 = 550$; $550/2 = \$275/\text{hour}$).

Thus, the Commission's annual cost is estimated as follows:

(1) Sup. Electronics Engineer @ \$77.49/hr.	$\$77.49 \times 1 \times 195 = \$$	15,110.55
(4) Engineers @ \$65.88/hr.	$\$65.88 \times 4 \times 195 = \$$	51,386.40
(1) Information Technicien @ \$ 26.43hr.	$\$26.43 \times 1 \times 195 = \$$	<u>5,153.85</u>
Subtotal		\$ 71,650.80
	30% Overhead:	\$ 21,495.24
Total Annual Cost to the Federal Government:		\$ 93,146.04

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

The Commission notes that there no adjustments or program changes to this information collection.

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

The data will not be published for statistical use.

17. If seeking approval to not display the expiration date for OMB approval of the information collection (IC), explain the reasons that display would be inappropriate.

The Commission is requesting a waiver from displaying the OMB expiration date on FCC Form 405. Granting this waiver will prevent the Commission from destroying the existing stock of forms or update the on-line application, each time this IC is approved by OMB.

The Commission will, however, display the "edition date" in lieu of an OMB expiration date. Finally, the Commission displays all the OMB-approved information collections in 47 CFR 0.408.

18. Explain any exceptions to the Certification Statement.

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods:

This collection of information does not employ statistical methods.