

SUPPORTING STATEMENT

A. Justification:

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

This information collection is being submitted as an extension to the Office of Management and Budget (OMB) in order to obtain the full three-year clearance.

On March 1, 2016, the Commission adopted a Memorandum Opinion and Order, *Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) in the 5 GHz Band*, ET Docket No. 13-49, FCC 16-24.

On March 31, 2014, the Commission adopted a First Report and Order, *Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) in the 5 GHz Band*, ET Docket No. 13-49, FCC 14-30.

The Commission is requesting a renewal of OMB approval for Section 15.407(j) of its rules.

Operator Filing Requirement: Before deploying an aggregate total of more than one thousand outdoor access points within the 5.15-5.25 GHz band, parties must submit a letter to the Commission acknowledging that, should harmful interference to licensed services in this band occur, they will be required to take corrective action. Corrective actions may include reducing power, turning off devices, changing frequency bands, and/or further reducing power radiated in the vertical direction. This material shall be submitted to Laboratory Division, Office of Engineering and Technology, Federal Communications Commission, 7435 Oakland Mills Road, Columbia, MD, 21046 Attn: U-NII Coordination, or via website at <https://www.fcc.gov/labhelp> with the SUBJECT LINE: "U-NII-1 Filing".

The Commission has authority for this information collection pursuant to Sections 4(i), 301, 302, 303(e), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 301, 302a, 303(e), 303(f), 303(g), and 303(r),

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

- 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 will be used by the Commission to identify the largest deployments of U-NII device access points, in the unlikely event the number of installations reaches a point where aggregate noise causes harmful interference; and will provide the Commission with sufficient means to avoid harmful interference and address the situation if it does occur.

- 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.**

Parties/companies using the U-NII devices will be required to submit a letter to the Commission acknowledging that, should harmful interference to licensed services in this band occur, they will be required to take corrective action, see section 15.407(j). The Commission does not require the use of any information technology to perform the submission.

- 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 agency does not impose a similar information collection on the respondents. There are no similar data available.

- 5. If the collection of information impacts small businesses or other small entities (item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

In accordance 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 minimized the information requirements to that which is necessary for processing to avoid harmful interference to licensees and deter against possible abuses of the processes.

- 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.**

This filing requirement is for deployments of a large numbers of devices which will provide the Commission with sufficient information to avoid harmful interference and address the situation if it does occur.

- 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 1320.6.

- 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.**

The Commission published a Notice in the *Federal Register* pursuant to 5 CFR § 1320.8 on May 20, 2020 (85 FR 30701), a copy of which is referenced in the submission to the OMB. The Commission did not receive any comments following publication of the Notice.

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

Respondents 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.**

Applicants may request that any information supplied be withheld from public inspection, pursuant to 47 CFR § 0.459 of the FCC's rules. This request must be justified pursuant to 47 CFR § 0.457, however, this collection has no sensitive information.

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

Information of a sensitive or confidential nature is not required for this collection of information.

- 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.**

Operators of the U-NII devices are the respondents of the information collection (third party).

The Commission estimates that there will be approximately 9 respondents subject to the reporting requirements.

Total Number of Respondents: 9 Respondents.

Total Number of Responses Annually: 9. New responses will be filed if any new large service providers enter the market.

The Commission makes these estimates on hourly burdens:

Respondents will spend approximately 32 hours to gather data and prepare a response.

It's estimated that it will take approximately 16 working hours for operators to gather information on the extent of their deployments such as locations and the number of access point deployment.

It is also estimated that it will take approximately 16 hours to prepare a written response to the Commission.

$$9 \text{ respondents} \times 1 \text{ reporting requirement} \times 32 \text{ hours} = 288 \text{ hours}$$

13. Provide estimate for the total annual cost burden to respondents resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12 and 14).

The cost to a respondent is estimated to be approximately \$100.00 per applicant to submit a letter acknowledging harmful interference.

This burden is imposed only once to establish compliance with the Commission's rules. The annual cost to comply with the rules is insignificant.

Total annualized capital/startup costs: None.

Total annual costs (O&M): None.

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.

The cost to the Federal Government is considered insignificant, since this is primarily a recordkeeping and reporting requirement.

This is a third-party requirement where parties will be required to submit a letter to the Commission acknowledging that, should harmful interference to licensed services in the 5.15-5.25 GHz band occur, they will be take corrective action when needed.

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

There are no program changes but there are adjustments/decreases to the respondents/responses to this information collection. The respondents and responses have decreased from 17 to 9. Also, the Commission is reporting an adjustment/decrease in the burden hours from 544 to 288 hours from the last submission to OMB.

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

This information will be gathered and reported only to determine compliance with applicable Commission technical standards and rules. 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, explain the reasons that display would be inappropriate.

There is no form; the expiration date requirement is not applicable.

18. Explain any exceptions to the Certification Statement identified in Item 19.

There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

This collection of information does not employ statistical methods.