

SUPPORTING STATEMENT

A. Justification:

1. Pursuant to the Balanced Budget Act of 1997, the Commission reallocated 24 megahertz of electromagnetic spectrum in the 700 MHz band (769-776/799-806 MHz) to ensure the efficient and effective use of that spectrum to meet the Nation's critical public safety communications needs. In this connection, the Commission established a communications framework relying on regional planning committees for the development of plans to utilize available frequencies in ways that best meet the needs of public safety agencies at the local, State and regional levels. Specifically, the Commission requires planning committees made up of representatives from the public safety community to submit regional plans for the 700 MHz band. Preparation of these regional plans imposes some burden, both on the eligible entities that make their needs known, and on the planners who seek to accommodate them.

The Commission adopted national standards for the operation and use of the spectrum allocated for nationwide interoperability. In the 700 MHz band, the Commission requires that (1) non-governmental organizations be authorized by state or local agencies, and (2) regional planning committees submit spectrum allocations for Commission review and approval prior to licensing of general use narrowband channels. The specific rules sections for which we seek continued OMB approval are:

47 CFR § 90.523 - Eligibility. Requires that nongovernmental organizations, which provide services to protect the safety of life, or property, obtain a written statement from an authorizing state or local government entity to support the nongovernmental organization's application for the assignment of 700 MHz frequencies.

47 CFR § 90.527 - Regional plan requirements. To prepare and modify the regional plans for the 700 MHz band, the regional planning committees will require input from those entities within their regions that will be eligible to receive licenses under the plans. Entities that seek inclusion in the plan in order to obtain licenses will be third party respondents.

47 CFR § 90.1211 - Regional Plan. With respect to the 4.9 GHz band, the Commission suggested that each 700 MHz region submit a plan on guidelines to be used for sharing the spectrum within the region.¹

¹ The Commission has stayed this requirement indefinitely, and we anticipate that the rule will be revised or deleted eventually as part of a current rulemaking proceeding focusing on the 4940-4990 MHz band, PS Docket No. 07-100.

Statutory authority for this collection of information is contained in sections 4(i), 11, 303(g), 303(r), 332(c)(7), and 337(f) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 161, 303(g), 303(r), 332(c)(7), and 337(f), unless otherwise noted.

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

2. For information submitted to the Commission, Commission personnel will use the information obtained to assign licenses, and also use the information to determine regional spectrum requirements and to develop technical standards. The information will also be used to determine whether prospective licensees will operate in compliance with the Commission's rules. Without such information, the Commission could not accommodate regional requirements or provide for the optimal use of the available frequencies. For information provided to, or exchanged among third parties, the data will be used to establish eligibility.

3. Third party respondents are free to exchange information electronically if they desire, and the Commission encourages submissions to be made electronically whenever possible.

4. This agency does not impose a similar information collection on the respondents. There are no similar data 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 those absolutely necessary to deter against possible abuses of the processes.

6. Without the submission of regional plans, the Commission could not identify and accommodate regional needs and preferences. The information is initially collected only once, although the regions are permitted to amend their plans as needed. Thus, the frequency of filing is determined by the respondents. If individuals or organizations did not assist the Commission in developing technical standards, it would take much longer for the Commission to develop such standards.

7. Current data collection is consistent with 5 C.F.R § 1320.6.

8. The Commission published a 60-day notice soliciting public comment which appeared in the Federal Register on August 27, 2020 [85 FR 52998] seeking comments from the public on the information collection requirements contained in this supporting statement. The National Regional Planning Council (NRPC) filed comments in support of renewing this information collection.² Regarding 700 MHz regional planning, the NRPC states “NRPC fully supports the extension of this information collection as it applies to RPCs.”³ In addition, the NRPC states that

² Comments of the National Regional Planning Council (NRPC) (filed Oct. 15, 2020).

³ NRPC Comments at 2.

“the information collection requirements should remain in place as applied to the 4.9 GHz band as well.”⁴

9. Respondents will not receive any gifts or payments.

10. There is no need for confidentiality with this collection of information.

11. There are no collections of information that are considered sensitive in nature or of a private matter being sought from the applicants on this collection.

12. The Commission has derived the following estimates of the burden on respondents:

a. 47 CFR § 90.523 - Eligibility. Filing by non-governmental entities:

Based on a search of the Commission’s licensing database, staff believes 3 non-governmental entities per year are applying for 700 MHz narrowband public safety spectrum. We also estimate that copies of approximately 100% of these applications are filed electronically with state or local governmental entities per year.

The time required for electronic filing is estimated to be 1 hour per transaction (1 hour) for a total annual burden of 3 hours annually:

1 hour x 3 = 3 hours.

We estimate that the applications will be filed electronically with state or local government. In this latter case, the state or local government will generally electronically file a statement certifying that the NGO is eligible to hold a 700 MHz license. The estimated time to electronically file each supporting statement will be 1 hour for a total annual burden of 3 hours:

1 hour x 3 = 3 hours.

Number of Respondents: 6.

Number of Responses Annually: 6.

Annual Hourly Burden: 3 +3 = 6 hours.

We note that the annual hourly burden per respondent will vary depending on the number of applications filed by each respondent and whether the application and supporting statement is filed electronically.

“In-House Cost”: The Commission estimates that NGO, state and local government personnel will be paid an hourly rate of \$40 per hour to fulfill the requirements contained in this collection.

⁴ NRPC Comments at 3.

Total Annual “In-House” Cost: 6 burden hours x \$40 per hour = \$240

b. 47 CFR § 90.527 - Regional plan requirements.

There are 55 Regional Planning Committees. Based on a search of the Commission’s Electronic Comment Filing System, staff identified 49 regions that have submitted initial plans and 6 regions that have not submitted initial plans. These 49 regions may modify their FCC-approved plans.

The time required for preparation and electronic filing of each regional plan or modification is estimated to be 628 hours per transaction for a total annual burden of 34,540 hours annually:

628 hours x 55 = 34,540 hours.

We estimate that each regional planning committee will solicit information from state, local, tribal governmental entities as well as non-governmental entities in developing initial plans and plan modifications. In this latter case, we estimate that each regional planning committee will solicit information from approximately 20 state, local, tribal governmental entities and non-governmental entities generating approximately 1,100 responses. The estimated time to electronically file each response will be 1 hour for a total annual burden of 1,100 hours:

1 hour x 1,100 = 1,100 hours.

Number of Respondents: 1,155.

Number of Responses Annually: 1,155.

Annual Hourly Burden: 34,540 +1,100 = 35,640 hours.

“In-House Cost”: The Commission estimates that regional planning committees, state and local government personnel will be unpaid volunteer staff or will be paid an hourly rate of \$40 per hour to fulfill the requirements contained in this collection.

Total Annual “In-House” Cost: 35,640 burden hours x \$40 per hour = \$1,425,600

c. 47 CFR § 90.1211 - Regional Plan.

There are 55 Regional Planning Committees. Based on a search of the Commission’s Electronic Comment Filing System, the last regional plan was filed in 2006. The Commission has stayed this requirement indefinitely, and regional plans are optional rather than mandatory in the 4.9 GHz band. Therefore, we are reducing the number of possible respondents, for the purpose of this information collection renewal, to 0.

As a result, the total annual burden for preparation and electronic filing for regional plans is estimated to be 0 hours annually:

Number of Respondents: 0.

Number of Responses Annually: 0.

Annual Hourly Burden: 0 hours.

“In-House Cost”: The Commission estimates that regional planning committees, state and local government personnel will be unpaid volunteer staff or will be paid an hourly rate of \$40 per hour to fulfill the requirements contained in this collection.

Total Annual “In-House” Cost: \$0

Total Number of Respondents: 1,161

Total Number of Responses: 1,161

Total Annual Hourly Burden: 35,646 hours

Total In-House Cost: \$240 + \$1,425,600 + \$0 = \$1,425,840

13. The Commission believes that the development of the regional plans and the national plan, and the provision of assistance in the development of technical standards, will impose no annual cost burden on respondents from either capital or start-up costs, or from operation and maintenance of equipment, or from purchase of outside services. The Commission believes that the public safety agencies and other interested entities already possess the necessary materials, and that the agencies and other interested entities will have procured these materials in the course of conducting their customary and usual business. The Commission further believes that the affected entities already employ a large pool of highly able professional and clerical staff, which makes the likelihood of purchase of outside services remote.

14. Cost to Federal Government. To review all fifty-five (55) regional plans will require 2,200 hours of analysis and review. The Commission anticipates that of those 40 hours per plan, half will be performed by staff at the GS 13/5 level (\$55.75/hour) and half will be performed by staff at the GS 14/5 level (\$65.88/hour). Thus, the total estimated burden hours cost of reviewing 55 plans is 2,200 hours. GS 13/5 salary @ \$55.75 per hour x 1,100 burden hours = \$61,325 + GS 14/5 salary @ \$65.88 per hour x 1,100 = \$72,468.

Total Cost to the Federal Government: \$61,325 + \$72,468 = \$133,793.

15. The Commission is reporting adjustments/decreases to this information since the last submission to OMB. The total respondents decreased from 1,172 to 1,161 (-11), the total annual responses decreased from 1,172 to 1,161 (-11), and the total annual burden hours decreased from 35,756 to 35,646 (-110).

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

17. We do not seek approval to not display the expiration date for OMB approval of the information collection. The Commission publishes a list of all OMB-approved information collections including their titles, OMB Control Numbers and OMB expiration dates in 47 CFR 0.408 of the Commission's rules.

18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.