

**SUPPORTING STATEMENT**

**A. Justification:**

1. The Federal Communications Commission (Commission) is requesting an extension of a currently approved collection for the coordination of certain wireless microphone operations with television licensees, as explained below.

Low power auxiliary station (“LPAS”) operations are intended for uses such as wireless microphones, cue and control communications, and synchronization of TV camera signals (referenced collectively as “wireless microphones”). The Commission’s rules provide for licensed LPAS operations on unused television channels on a secondary, non-exclusive basis.<sup>1</sup>

In the Incentive Auction Report and Order,<sup>2</sup> the Commission adopted rules to implement the broadcast television spectrum incentive auction, which involved reorganizing the television band and repurposing a portion of the UHF television band for new wireless broadband services, and which affected wireless microphone operations across the TV bands. To ensure that wireless microphones users have access to as many television channels as possible following the repacking process, the Commission revised its rules for co-channel operations in two ways to provide wireless microphones with access to additional television channels in particular locations without raising interference concerns to television licensees.

First, the Commission revised its rule at 47 CFR § 74.802(b) to permit wireless microphones to operate in the bands allocated for TV broadcasting at distances as close as four kilometers from a television station’s predicted contour (including digital or analog full power, Class A, and low power television (LPTV) stations), which is closer than the distance requirement in the previous rule.<sup>3</sup>

Second, to enable licensed LPAS operators to access additional co-channel spectrum, the Commission determined that it would also permit licensees to operate even closer to television stations than the revised separation distances, provided that any such operations are coordinated with the television licensees and revised its rule accordingly.<sup>4</sup>

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<sup>1</sup> The selection of frequencies in the bands allocated for TV broadcasting shall be guided by the need to avoid interference to TV broadcast reception. In these bands, LPAS usage is secondary to TV broadcasting and land mobile stations operating in the UHF-TV spectrum and must not cause harmful interference. 47 CFR § 74.803(b).

<sup>2</sup>*Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567 (2014) (*Incentive Auction Report and Order*).

<sup>3</sup>See 47 CFR § 74.802(b).

<sup>4</sup>See 47 CFR § 74.802(b).

The Commission is requesting continuing approval from the Office of Management and Budget (OMB) for this collection which continues to be necessary as it supports this coordination requirement.

Statutory authority for this collection of information is contained in 47 U.S.C. §§ 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, 325(b), 332, 336(f), 338, 339, 340, 399b, 403, 534, 535, 1404, 1452, and 1454.

This information collection may affect individuals or households. However, the information collection consists of third-party disclosures in which the Commission has no direct involvement. Personally identifiable information (PII) is not being collected by, made available to, or made accessible by the Commission. There are no additional impacts under the Privacy Act.

2. The information in the coordination requirement will be used by LPASs, including wireless microphones, to operate in television band spectrum in a more efficient and effective manner where such operations are co-channel on that spectrum with television stations, and the coordination requirement addresses concerns about potential interference to television operations. LPASs, including wireless microphones, operate on television band spectrum that also is used by television broadcast stations. Because of the incentive auction, there is a reduced amount of television spectrum that can accommodate wireless LPAS and other operations. To ensure that LPAS operations can be accommodated in an efficient and effective manner, the Commission revised its rules to expand the areas where wireless microphones may be used in the television bands by reducing the co-channel separation distance requirements (distance at which co-channel LPAS operations must be separated from the television station). In addition, the Commission permits LPASs to operate even closer to television stations provided that any such operations are coordinated with television licensees.

3. This coordination requirement involves operations between Commission licensees and communications with frequency coordinators. The use of information technology is feasible in this situation.

4. There is no duplication of effort because LPAS licensees have not previously been authorized under the rule to operate at such close proximity to TV broadcasters, nor has there been a corresponding coordination requirement.

5. This coordination requirement is necessary for LPASs to operate on TV band spectrum in an efficient and effective manner, while addressing concerns about potential interference to television operations. This particular coordination requirement applies to large and small entities alike.

6. This collection is part of the Commission's procedures to ensure that the television spectrum that remains following the incentive auction can continue to accommodate wireless microphone operations, along with other uses of the spectrum, in an efficient and effective manner. Wireless microphones provide many important

functions that serve the public interest such as (1) enabling broadcasters and other video programming networks to serve consumers and (2) helping to cover breaking news and broadcasting live sports events. They often are integral to creating high quality content that consumers demand and value and contribute substantially to the economy. If this required collection is not extended, these LPAS licensees will not be able to access the additional TV band spectrum in the manner anticipated by the Commission, and some of the important functions that their operation make available to the public may not be achieved. Conducting the collection on a less frequent basis would be inconsistent with the goal of providing access for LPAS licensees to additional co-channel spectrum.

7. There are no special circumstances associated with this collection of information.
8. The 60-day notice soliciting comments on this collection was published in the *Federal Register* as required under 5 CFR 1320.8(d) on September 21, 2020 (85 FR 59305).
9. Respondents will not receive any payments or gifts in connection with this collection of information.
10. There is no need for confidentiality with this collection.
11. The information collection requirements do not address any private matters or questions of a sensitive nature.
12. We estimate that over the three-year period there will be approximately **300 coordinations** requiring two respondents for each coordination, one by **300 LPAS licensees** and one by **300 TV broadcasters**. We estimate that the coordination requirement will take a total of 2 hours to fulfill the requirement (on average, 1 hour will be done by in-house engineer and the remaining 1 hour of coordination will be done by outside engineers or equivalent personnel).<sup>5</sup>

**Total Number of Respondents:**  $300 + 300 = 600$  respondents over three years for a **total annual number of respondents of 200 per year**<sup>6</sup>

We estimate that LPAS licensees and TV broadcast stations will use in-house personnel to meet this coordination requirement approximately 50 percent of the time and take an hour to fulfill the requirement, and that they will use outside engineers or equivalent personnel approximately 50 percent of the time and take an hour to fulfill the requirement. For each year, we anticipate there will be 100 coordinations, which will require 200 responses.

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<sup>5</sup> This portion of the requirement is accounted for under question 13 because it is being performed by an outside engineer or equivalent individual.

<sup>6</sup> To equate the 600 respondents over three years to annual respondents, the following calculations were done:  $600 \text{ respondents} / 3 = 200 \text{ respondents per year}$ .

**Total Number of Annual Responses: 200 responses**

We estimate that it will take approximately 1.0 hours per response on average to meet the coordination requirement, comprised of approximately one hour by an in-house engineer or equivalent individual.

**Annual Burden:** 200 responses x 1 (1 hour per response) = **200 hours.**

We estimate the use of an in-house engineer or equivalent individual at \$47.71 per hour for the required coordination approximately 50 percent of the time.

**In-House Staff Cost:** 200 responses x .5 (responses using an in-house engineer) x \$47.71 (cost of 1 hour of in-house engineer time per response) = **\$4,771.00**

**TOTAL IN-HOUSE STAFF COST: \$4,771.00**

13. Cost to the Respondents

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

(b) Total annual costs (O&M): Operational and maintenance is generally included as part of the coordination process.

We estimate that preparation cost is generally included as part of the coordination process.

We estimate that the respondents will purchase the services of an outside consultant, outside engineer, or equivalent individual or service at a rate of \$250 per hour at approximately one hour on average in those cases where its in-house personnel do not perform the coordination. We estimate that the purchase of such services will be done for approximately 50 percent of the time for the coordination requirement and will take an hour.

Annual Cost Burden - Consultant: 200 responses x .5 (responses using a consultant) x \$250 (cost of 1 hour of consultant time per response) = \$25,000.00

(c) Total annualized cost requested:

**TOTAL CAPITAL AND START-UP COSTS and/or OPERATION AND MAINTENANCE (O&M COSTS): \$0 + \$25,000.00 = \$25,000.00**

14. There is no cost to the Federal Government. Coordination will not be actively monitored in the absence of complaints.

15. The Commission does not have any program changes to this collection. The estimates changed for this collection; therefore, we have the following

adjustments/decreases to the collection: -200 to the number of respondents, -27 to the annual number of responses, -27 to the annual burden hours and -\$31,750 to the annual cost.

16. The data will not be published.
17. There is no form associated with this collection, therefore, the expiration date for OMB approval is not applicable.
18. There are no exceptions to the “Certification Statement.”

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

No statistical methods are employed.