

SUPPORTING STATEMENT

A. Justification:

1. The Commission is requesting an extension of this information collection. The Commission is updating the number of respondents, responses, and burden hours for this collection.

In 2014, the Commission adopted a Report and Order (*Order*) in WT Docket No. 10-88, FCC 14-117 revising the Commission's rules governing the construction, marking and lighting of antenna structures. The Commission initiated this proceeding to update and modernize the Commission's rules.

The Commission is requesting continuing approval from the Office of Management and Budget (OMB) for the disclosure, reporting, and record keeping requirements pertaining to Part 17 of the Commission's rules. To clarify the obligations of antenna structure owners and conform the Commission's regulations to the Federal Aviation Administration's (FAA) practice, the Commission adopted changes to certain sections of the Commission's Part 17 rules. These changes were intended both to promote aircraft navigation safety and to ease regulatory burdens by streamlining regulations and reducing confusion. The collection requirements contained in the Part 17 amendments are necessary to implement a uniform registration process as well as safe and effective lighting procedures for owners of antenna structures. The following are the information collection requirements:

- 17.4(f) - Antenna structure owners are required to provide tenant licensees with a copy of the antenna structure registration by providing either a copy or a link to the FCC antenna structure registration website. This notification may be done electronically or via paper mail.

- 17.4(g) - Antenna structure owners are required to display the Antenna Structure Registration Number so that it is conspicuously visible and legible from the publicly accessible area nearest the base of the antenna structure along the publicly accessible roadway or path. In addition, where an antenna structure is surrounded by a perimeter fence, or where the point of access includes an access gate, the Antenna Structure Registration Number should be posted on the perimeter fence or access gate. Further, where multiple antenna structures having separate Antenna Structure Registration Numbers are located within a single fenced area, the Antenna Structure Registration Numbers must be posted both on the perimeter fence or access gate and near the base of each antenna structure. If the base of the antenna structure has more than one point of access, the Antenna Structure Registration Number must be posted so that it is visible at the publicly accessible area nearest each such point of access.

- 17.48(a) - Section 17.48(a) requires that antenna structure owners immediately report outages of top steady burning lights or flashing antenna structure lights to the FAA, if not corrected within 30 minutes. Upon receipt of the outage notification, the FAA will issue a Notice to Airmen (NOTAM), which notifies aircraft of the outage. Consistent with FAA requirements, if a lighting outage cannot be repaired within the FAA's original NOTAM period, Section 17.48(a) further requires the antenna structure owner to notify the FAA of that fact. In addition, 17.48(a) provides that the antenna structure owner must provide any needed updates to its estimated return-to-service date to the FAA and continue to provide these updates every NOTAM period until the antenna structure's lights are repaired.

- 17.49 - Section 17.49 requires antenna structure owners to maintain a record of observed or otherwise known extinguishments or improper functioning of structure lights for two years and provide the records to the Commission upon request.

Statutory authority for this information collection is contained in Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

This collection of information does not affect individuals or households; thus, there are no impacts under the Privacy Act. However, respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

2. The information is used by the Commission during investigations related to air safety or radio frequency interference, as well as by the Commission, the FAA, and members of the public to ensure aircraft navigation safety when lighting is observed to be malfunctioning or extinguished. A registration number is issued to identify antenna structure owners to enforce Congressionally mandated provisions related to the owners. The Commission finds that these collections are necessary to effectuate the obligations of antenna structure owners, ensure aircraft navigation safety when lighting is observed to be malfunctioning or extinguished, and eliminate unnecessary postings.

3. These are disclosure, notification, and record keeping requirements. The use of information technology is feasible for notification and record keeping in this situation.

4. This agency does not impose a similar information collection on the respondents. There is no similar data available.

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is trying to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements to those necessary to preserve aircraft navigation safety, while reducing the burden on small entities. The Commission believes whatever burdens small entities may incur in complying with these requirements are warranted by the overall benefit to the public from increased aircraft navigation safety as well as to antenna structure owners by overall streamlining of regulations.

6. The information is collected only when structure lights function improperly and when Antenna Structure Registration numbers are assigned. Less frequent submissions are not possible.

7. There are no special circumstances associated with this collection of information. Current data collection is consistent with 5 CFR 1320.

8. The Commission initiated a 60-day public comment period which appeared in the *Federal Register* on January 27, 2021 (85 FR 7290). No comments were received as a result of the notice.

9. Respondents will not receive any payments associated with this collection of information.

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

11. There are no private matters or questions of a sensitive nature with this collection.

12. There are four (4) parts to this collection: Part A covers the provision of copies of the antenna structure registration to tenant licensees and permittees; Part B covers the ASR number display; Part C covers the outage notice; and Part D covers the record retention.

Part A: 17.4(f) - ASR copies to licensees and permittees.

We estimate that each year on average 4,100 Form 854 antenna registration forms will be filed. Copies of each filed form would be required to then be sent, likely by email, to each tenant licensee or permittee on the registered tower, on average approximately 8 tenant licensees and permittees. It is estimated that a secretary would spend six minutes (.1 hours) per Form 854 to complete this task.

Total Number of Annual Respondents: 16,050

16,050 Tower Owners = 16,050 Annual Respondents.

Total Number of Annual Responses: 32,800

4,100 Form 854s filed x 8 tenants (licensees and permittees) to be notified = 32,800 Annual Responses.

Total Annual Burden Hours: 3,280 hrs.

32,800 Responses x .1 hrs/response = 3,280 Annual Burden Hours.

Total Annual “In-House” Cost for Part A: \$49,200

We assume that a secretary, at \$15 an hour, will provide copies of each Form 854 to the appropriate tenants.

32,800 Responses x .1 hr/Form 854 x \$15.00/hr.= \$49,200

Part B: 17.4(g) - ASR Number Display.

Section 17.4(g) generally requires antenna structure owners to display the Antenna Structure Registration Number so it is conspicuously visible and legible from the publicly accessible area nearest the base of the antenna structure along the publicly accessible roadway or path. Where multiple antenna structures having separate Antenna Structure Registration Numbers are located within a single fenced area, the Antenna Structure Registration Numbers must be posted both on the perimeter fence or access gate and near the base of each antenna structure. Also, if the base of the antenna structure has more than one point of access, the Antenna Structure Registration Number must be posted so that it is visible at the publicly accessible area nearest each such point of access. Multiple postings apply only to a percentage of structures that acquire additional points of access. All new towers are required to post at a first location, and we estimate that 10% of new towers will be required to post at a second location, and that 10% of those will be required to post at a third location. The percentage of new towers required to post at 4 or more locations will be nominal. We also estimate that approximately 1% of existing structures in any given year will require posting at an additional point of access.

We estimate that there are currently approximately 16,050 tower owners that own 131,300 constructed towers. Over the 3 years of this collection, we estimate that there will be an additional 4,100 towers constructed/registered per year. Therefore, on average, there would be approximately 139,500 towers that would be subject to this collection. Out of the 4,100 new towers during the first year, all would be required to post at a first location, and we estimate that 10% would be required to post at a second location, 1% would be required to post at third location and 1% of the total towers (135,400) would be required to post at an additional access point for a total of 5,905 responses. In the second year, 4,100 would be required to post at a first location, 10% of those would be required to post at a second location, 1% of that number would be required to post at a third location, and 1% of all towers (139,500) would be required to post at an additional access point for a total of 5,946 responses. Finally, during the third year 4,100 would be required to post at a first location, 10% of those 4,100 new towers would be required to post at a second location, 1% of that number would be required to post at a third location, and 1% of all towers (143,600) would be required to post at an additional access point for a total of 5,987 responses. Therefore, there would be approximately 143,600 towers that would be subject to this collection at the end of the 3-year period.

Therefore, over the 3 years of this collection, we estimate that there will be, on average, approximately 139,500 towers and 5,946 responses pertaining to this collection. We also estimate that reporting will require 0.2 hours for each occurrence. The Commission expects that the tower owners will post the display(s) using an in-house staff technician at \$25 an hour.

Total Number of Annual Respondents: 16,050

16,050 Tower Owners = 16,050 Annual Respondents.

Total Number of Annual Responses: 5,946

4,100 new towers posting at a first location + ((4,100 new towers) x .1 (10% of new towers posting at a second location)) + ((4,100 new towers) x .01 (1% of towers requiring a posting at a third location)) + ((139,500 towers) x .01 (1% of towers requiring a posting at an additional point of access)) x 1 display each =

4,100 new towers + (4,100 new towers x .1) + (4,100 new towers x .01) + (139,500 towers x .01) x 1 display each =

(4,100 towers) + (410 towers) + (41 towers) + (1,395 towers) x 1 display each = 5,946 Annual Responses.

Total Annual Burden Hours: 1,189 hrs.

5,946 Responses x 1 display each x .2 hrs/response = 1,189 Annual Burden Hours.

Total Annual “In-House” Cost for Part B: \$29,730

We assume that the tower owners will post the display(s) using in-house staff technician at \$25 an hour.

5,946 Responses x 1 display each x .2 hrs/response x \$25.00/hr.= \$29,730

Part C 17.48(a) - Outage Notice.

We estimate that there are currently approximately 16,050 tower owners that own 131,300 constructed towers. Over the 3 years of this collection, we estimate that there will be an additional 4,100 towers constructed per year. Therefore, on average, there would be approximately 139,500 towers that would be subject to this collection. We estimate that 10% of the towers will have malfunctioning lights that would require FAA notification. We also estimate that 10% of the malfunctions requiring FAA notification will require a second FAA notification, and that 10% of those will require a third notification. The percentage of respondents required to notify 4 or more times for a single malfunction will be nominal. Therefore, we estimate that there will be 15,485 responses for this collection. We also estimate that reporting will require 0.1 hours for each occurrence.

Total Number of Annual Respondents: 1,605

16,050 tower owners x .10 (percentage of towers that will have malfunctioning lights that would require notification) = 1,605 Annual Respondents.

Total Number of Annual Responses: 15,485

(139,500 towers x .10 (percentage of towers that will have malfunctioning lights that would require notification)) + (139,500 towers x .01 (percentage of towers that will have malfunctioning lights that would require a second notification)) + (139,500 towers x .001 (percentage of towers that will have malfunctioning lights that would require a third notification)) = (13,950 + 1,395+ 140) = 15,485 Annual Responses.

Total Annual Burden Hours: 1,549 hrs.

15,485 Responses x 0.1 hr./response = 1,549 Annual Burden Hours.

Total Annual “In-House” Cost for Part C: \$23,228

We assume that the tower owners will send the notification(s) using an in-house staff secretary at \$15 an hour.

15,485 Responses x 0.1 hr./response x \$15.00/hr.=\$23,228

Part D 17.49 – Record Retention.

We estimate that there are currently approximately 16,050 tower owners that own 131,300 constructed towers. Therefore, there would be approximately 16,050 tower owners that would be subject to this collection. Over the 3 years of this collection, we also estimate that there will be an additional 4,100 towers constructed per year. Therefore, on average, there would be approximately 139,500 towers that will be subject to this collection, and as noted above in part C, we estimate that there will be 15,485 annual outages requiring notification that are subject to this collection. We also estimate that ensuring record retention compliance will require .25 hours per outage notification.

Total Number of Annual Respondents: 16,050

16,050 tower owners = 16,050 Annual Respondents.

Total Number of Annual Responses: 15,485

(139,500 towers x .10 (percentage of towers that will have malfunctioning lights that would require notification)) + (139,500 towers x .01 (percentage of towers that will have malfunctioning lights that would require a second notification)) + (139,500 towers x .001 (percentage of towers that will have malfunctioning lights that would require a third notification)) = (13,950 + 1,395+ 140) = 15,485 Annual Responses.

Total Annual Burden Hours: 3,871 hrs.

15,485 towers x 1 annual record x .25 hrs./notification = 3,871 Annual Burden Hours.

Total Annual “In-House” Cost for Part D: \$58,069

We assume that the tower owner will ensure record retention compliance by using an in-house staff secretary at \$15 an hour.

15,485 towers x 1 annual record x .25 hrs./notification x \$15.00/hr.= \$58,069

Total Number of Annual Respondents for the entire collection: 16,050

Total Number of Annual Responses for the entire collection: Part A (32,800) + Part B (5,946) + Part C (15,485) + Part D (15,485) = 69,716

Total Number of Annual Burden Hours for the entire collection: Part A (3,280) + Part B (1,189) + Part C (1,549) + Part D (3,871) = 9,889

Total Annual “In-House” Cost for the entire collection: Part A (\$49,200) + Part B (\$29,730) + Part C (\$23,228) + Part D (\$58,069) = \$160,227

13. Estimated annual cost to respondents:

Part A: 17.4(f) - ASR copies to licensees and permittees.

- (a) Total Annualized Capital/Startup Cost: None
- (b) Total annual costs (O&M): None
- (c) Total annualized cost requested: None

There will be no annualized costs incurred by the respondents from part A of the collection.

Part B:17.4(g) - ASR Number Display.

- (a) Total Annualized Capital/Startup Cost: \$59,460.

Capital/Startup Cost: 5,946 (Average Number of Annual Responses) x 1 display each x \$10/display frame and hardware to post = \$59,460.

- (b) Total annual costs (O&M): None
- (c) Total annualized cost requested: \$59,460

Part C: 17.48(a) - Continuous Outage Notice.

- (a) Total Annualized Capital/Startup Cost: None
- (b) Total annual costs (O&M): None
- (c) Total annualized cost requested: None

There will be no annualized costs incurred by the respondents from part C of the collection.

Part D: 17.49 – Two Year Record Retention.

- (a) Total Annualized Capital/Startup Cost: None
- (b) Total annual costs (O&M): None
- (c) Total annualized cost requested: None

There will be no annualized costs incurred by the respondents from part D of the collection.

Total Number of Annualized Capital/Startup Costs Requested for the entire collection: Part A (\$0) + Part B (\$59,460) + Part C (\$0) + Part D (\$0) = \$59,460.

Total Number of Annual Costs (O&M) Requested for the entire collection: Part A (\$0) + Part B (\$0) + Part C (\$0) + Part D (\$0) = \$0.

Total Number of Annualized Cost Requested for the entire collection: Part A (\$0) + Part B (\$59,460) + Part C (\$0) + Part D (\$0) = \$59,460.

14. There are no costs to the Federal Government because: (1) the third-party disclosure is between the antenna structure owner and tenant licensees; (2) posting the registration number near the antenna structure is done by the antenna structure owner and involves no federal cost; (3) notification of lighting outages to the FAA is done by the antenna structure owner and results in FAA, not FCC, action; and (4) reporting lighting outages in the antenna structure owner's records in and of itself requires no federal action. Disclosures will not be actively monitored in the absence of consumer complaints.

15. This is an extension of a currently approved collection which includes the following changes:

- a. An adjustment of +50 respondents, from 16,000 to 16,050.
- b. An adjustment of -84,446 responses, from 154,162 to 69,716.
- c. An adjustment of -8,220 annual burden hours for this collection, from 18,109 to 9,889.

d. An adjustment of +7,560 annualized costs to the respondents, from \$51,900 to \$59,460.

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

17. The Commission seeks OMB approval to not display the expiration date for OMB approval of the information collection. We will use an edition date in lieu of an OMB expiration date. This will alleviate the Commission staff from having to update the OMB expiration date every time this is re-submitted to the OMB. Finally, the Commission displays the OMB expiration date, OMB Control Number, and Title of all OMB-approved information collections in 47 CFR 0.408.

18. There are no exceptions to the “Certification Statement.”

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.