

**Part 101 Rule Sections Governing the Terrestrial
Microwave Fixed Radio Service**

**3060-0718
April 2022**

SUPPORTING STATEMENT

A. Justification:

1. This collection includes the various rule sections in Part 101 governing reporting, record retention, and third-party disclosures required by Part 101 Rule Sections Governing the Fixed Microwave Services. We are requesting a 3-year extension with no programmatic changes, but we are increasing our estimates of burden hours and costs for reporting and third-party disclosure requirements based on increases in responses for Subpart B Applications and Licenses, specifically section 101.55, and Subpart C Technical Standards section 101.103 in this revised collection to the Office of Management and Budget (OMB).

Part 101 rule sections require various information to be reported to the Commission; coordinated with third parties; posting requirements; notification requirements to the public; and recordkeeping requirements maintained by the respondent to determine the technical, legal and other qualifications of applications to operate a station in the public and private operational fixed services. See the Appendix at the end of this Supporting Statement sets forth the individual rule sections, their associated Paperwork Reduction collection requirements and burden calculations.

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

Statutory authority for this collection is contained in 47 U.S.C. §§ 151, 154(i), 301, 303(f), 303(g), 303(r), 307, 308, 309, 310, and 316.

2. Part 101 rule sections require respondents to report or disclose information to the Commission or third parties, respectively, and to maintain records. These requirements are necessary for the Commission staff to carry out its duties to determine technical, legal and other qualifications of applicants to operate and remain licensed to operate a station(s) in the common carrier and/or private fixed microwave services. In addition, the information is used to determine whether the public interest, convenience, and necessity are being served as required by 47 U.S.C. § 309 and to ensure that applicants and licensees comply with ownership and transfer restrictions imposed by 47 U.S.C. § 310. Without this information, the Commission would not be able to carry out its statutory responsibilities.
3. The Commission's rules provide for electronic filing and it is the Commission's goal to eliminate, to the greatest extent possible, the filing of paper applications.
4. No similar data is available elsewhere.

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 that absolutely necessary for evaluating and processing applications and to deter against possible abuses.
6. The information collected is generally required when the applicant seeks Commission approval for new or modified facilities, or for an assignment or transfer of control. Therefore, the frequency of the filing is generally determined by the applicant. Renewal applications must be filed once every ten years.
7. Current data collection is consistent with 5 CFR § 1320.5.
8. A 60-day notice was published in the Federal Register on February 7, 2022 (87 FR 6863) seeking comments from the public on the information collection requirements contained in this collection. No PRA comments were received as a result of the notice.
9. There are no payments or gifts to respondents in connection with this collection of information.
10. No questions of a confidential nature are asked of respondents or parties associated with this collection of information.
11. There are no questions of a sensitive nature for this information collection.
12. The Annual Burden includes a variety of rules contained in Part 101. See the Appendix at the end of this Supporting Statement for each individual rule section covered under this OMB control number along with their requirements imposed on the public along with a breakdown of their burden calculations.

Annual Burden:

A total of approximately **9,500** unique licensees file multiple responses for this collection.

Reporting. The annual reporting burden is 462 hours (rounded) (the sum of the reporting requirements detailed in the Appendix for rule sections 101.31, 101.55, 101.305, 101.309 and 101.817. We estimate that generally 25% of the respondents will contract consultants; the remaining 75% of respondents will employ in-house staff to respond.

Recordkeeping. The annual recordkeeping requirement burden in Part 101 is approximately 27,940 hours (rounded) (the sum of the recordkeeping requirements detailed in the Appendix for rule sections 101.135, 101.217, and 101.817).

Third Party Disclosure. The annual third-party disclosure burden in Part 101 is approximately 10,694 hours (rounded) (the sum of the third-party disclosure requirements detailed in the Appendix for rule sections 101.103 and 101.215). We

estimate that generally 25% of the respondents will contract consultants to handle the burden of reporting; the remaining 75% of respondents will employ in-house staff to respond. Except for the burden for section 101.103 for which approximately 75% of the respondents will contract the burden of reporting to a commercial coordinator; and the remaining 25% would employ in-house staff to respond.

TOTAL ANNUAL BURDEN HOURS = 39,096

Recordkeeping	27,940 hours
Reporting	462 hours
Third Party Disclosure	<u>10,694 hours</u>
Total	39,096 hours

13. The Annual Cost represents the Commission’s estimate of the annual burden to respondents, record keepers or third-party respondents resulting from the collection of sections 101.31 101.55, 101.103, 101.305, 101.309, and 101.817. See the Appendix at the end of this Supporting Statement for each individual rule section covered under this OMB control number along with their requirements imposed on respondents.

Annual Costs:

(a) Total capital and start-up cost component (annualized over its useful life): \$0.

(b) We estimate that generally 25% of the respondents will contract consultants to handle the burden of reporting; the remaining 75% of respondents will employ in-house staff to respond. We assume that the respondents using consultants would use an attorney (\$300/hour) or engineer (\$250/hour) to consult and prepare information. We are assuming that attorneys and engineers each represent half of the outside hires, which makes \$275 the average hourly cost. Generally, the estimated costs are calculated by multiplying the estimated number of responses for which the applicant will use an attorney or engineer, times the estimated burden hours for that requirement, times the cost of \$275/hour.

To obtain the \$3,884,100.00, we multiplied \$275 by which is the number of responses which outside consultants will complete for sections,101.31, 101.55, 101.103, 101.305, 101.309, and 101.817. We estimate that each response will take outside consultants 1 hour per response to complete the requirement.

14,124 responses x 1 hour/response x \$275/hour = \$3,884,100.

TOTAL ANNUAL COSTS (external/consulting) = \$3,884,100.¹

¹ On February 28, 2020, in furtherance of the goal of releasing more mid-band spectrum into the market to support and enabling next-generation wireless networks, the Commission adopted a Report and Order and Order of Proposed Modification, FCC 20-22, (3.7 GHz Report and Order), in which it reformed the use of the 3.7-4.2 GHz band. Approximately 20 licensees of 87 Fixed Service (FS) licenses in the contiguous United States are required to self-relocate their point-to-point links out of the 3.7-4.2 GHz band by December 5, 2023. See, e.g., 47 CFR § 101.101 Note 2. In the 3.7 GHz Report and Order, the

14. The cost to the Federal government processing costs are as follows (the hourly pay rate for the employee is a GS-15 step 5, \$80.63/hour). See Reporting under Question 12 for Part 101 sections reported:

Attorney approximately \$80.63/hour x 1 hour x 215 filings =	\$17,335.45
Engineer approximately \$80.63/hour x 1 hour x 215 filings =	\$17,335.45
Total:	\$34,671.00

Total Government Costs: \$34,671.00

15. The Commission has adjustments/increases to this collection which are due to adjustments to some of the figures for the previously approved figures for this collection: +1,468 to the annual number of responses, +806 to the annual burden hours and \$1,319,450 to the annual cost.

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 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.

Commission also proposed to modify the relevant FS licenses, pursuant to Section 316 of the Communications Act of 1934, as amended, 47 U.S.C. § 316. No protests were filed and these modifications took effect automatically by operation of law on June 22, 2020. See Order of Proposed Modification, 85 Fed. Reg. 22804 (April 23, 2020). Such FS licensees may seek reimbursement of their reasonable costs under the demonstration requirements and reimbursement administrative provisions in Part 27, subpart O, of the FCC rules that OMB approved under OMB Control No. 3060-1275 (3.7 GHz Band Relocation Payment Clearinghouse; 3.7 GHz Band Relocation Coordinator; 3.7 GHz Band Space Station Operators).

APPENDIX

Key

† Burden hours estimate for the approx. 25% of respondents who hire consultants (but still incur some in-house time per response). Therefore, these respondents have some dealings with the consultant before the task is completely turned over to the consultants. These interactions with the consultants impose burdens on respondents because their time is being taken up. Section 101.103 requires 75% of respondents to hire consultants (but still occur some in-hose time per response).

†† Burden hours estimate for the approx. 75% of respondents who complete the response in-house without hiring consultants = no external cost. In-house staff attorneys are paid an hourly rate of \$71.59 per hourⁱ. Section 101.103 requires 25% of respondents to complete the response in-house without hiring consultants.

Rule	Brief Description	Annual Respondents (#)	Annual Responses (#)	Time per Response (Hours)	Annual Burden (Hours)	In-House Annual Cost	Type of Burden & Comments
SUBPART B	APPLICATIONS AND LICENSES						
§ 101.31	Temporary and conditional authorizations § 101.31(a)(2): Sufficient data must be submitted to show the need for the proposed area of operation.	6 [†] (25%) 16 ^{††} (75%) = 22	6 [†] 16 ^{††} = 22	0.25 [†] 0.5 ^{††}	1.5 [†] 8 ^{††} = 9.5 hrs.	\$107.39 \$572.72 = \$680.11	Reporting Requirement
§ 101.55	Considerations involving transfer or assignment applications §§ 101.55(c), (d) (anti-trafficking generally and in case of certain mergers).	54 [†] (25%) 163 ^{††} (75%) = 217	54 [†] 163 ^{††} = 217	0.5 [†] 1.5 ^{††}	27 [†] 244.5 ^{††} = 271.5 hrs.	\$1,932.93 \$17,503.76 = \$19,436.69	Reporting Requirement
SUBPART C	TECHNICAL STANDARDS						

Rule	Brief Description	Annual Respondents (#)	Annual Responses (#)	Time per Response (Hours)	Annual Burden (Hours)	In-House Annual Cost	Type of Burden & Comments
§ 101.103	Frequency coordination procedures (prior coordination with all affected applicants or licenses whose facilities could affect or be affected by the proposed use in terms of interference) <u>Note:</u> MVDDS frequency coordination, which involves different procedures under 47 C.F.R. § 101.103(f), is approved under OMB Control No. 3060-1022.	295 (25% in-house) =	3,396	0.25	849	\$60,779.91	Third Party Disclosure
		887 (75% consultant) =	10,189	0.5	5,094.5	\$364,715.26	
		1,182	13,585		5,943.5 hrs.	\$425,495.17	
§ 101.135	Shared use of radio stations & the offering of private carrier service § 101.135(c): All sharing and private carrier arrangements must be conducted pursuant to a written agreement to be kept as part of the station records § 101.135(d): The licensee must keep an up-to-date list of system sharers and private carrier subscribers and the basis of their eligibility under this part. Such records must be kept current and must be made available to FCC.	790	790	1 hr.	790 hrs.	\$56,556.10	Recordkeeping Requirement
SUBPART D	OPERATIONAL REQUIREMENTS						
§ 101.215	Posting of station authorization and transmitter identification cards, plates, or signs	9,500	9,500	0.5 hrs.	4,750 hrs.	\$340,052.50	Third Party Disclosure

Rule	Brief Description	Annual Respondents (#)	Annual Responses (#)	Time per Response (Hours)	Annual Burden (Hours)	In-House Annual Cost	Type of Burden & Comments
	- Licensee shall post info. of custodian of station license if not maintained at the station.						
§ 101.217	Station records - Licensee must maintain records & kept in an orderly manner & retained by the licensee for 1 yr.	9,500	9,500	2.85 hrs.	27,075 hrs.	\$1,938,299.25	Recordkeeping Requirement
SUBPART E	MISCELLANEOUS COMMON CARRIER PROVISIONS						
§ 101.305	Discontinuance, reduction or impairment of service	19 [†] (25%) 56 ^{††} (75%) = 75	25 [†] 75 ^{††} = 100	.25 [†] .5 ^{††}	6.25 [†] 37.5 ^{††} = 43.75 hrs.	\$447.43 \$2,684.62 = =\$3,132.05	Reporting Requirement
§ 101.309	Requirement that licensees respond to official communications	25 [†] (25%) 75 ^{††} (75%) = 100	25 [†] 75 ^{††} = 100	.5 [†] 1.5 ^{††}	12.5 [†] 112.5 ^{††} = 125 hrs.	\$894.88 \$8,053.88 = \$8,948.76	Reporting Requirement
SUBPART J	LOCAL TELEVISION TRANSMISSION SERVICE						

Rule	Brief Description	Annual Respondents (#)	Annual Responses (#)	Time per Response (Hours)	Annual Burden (Hours)	In-House Annual Cost	Type of Burden & Comments
§ 101.817	Notification of station operation at temporary locations						
	§ 101.817(a) - licensees must notify the FCC prior to period of operation including detailed info.;	11 [†] (25%)	25 [†]	0.5 [†]	12.5 [†]	\$894.88	Reporting Requirement
	§ 101.817(b) – licensees must keep a copy of the notification in station’s license file	35 ^{††} (75%)	75 ^{††}	1.0 ^{††}	75 ^{††}	\$5,369.25	Recordkeeping Requirement
		= 46	= 100		= 87.5 hrs.	= \$6,264.13	
	TOTALS:	9,500	33,914		39,096	\$2,798,865.00	
		Licensees	Responses		hrs. (rounded)	(rounded)	

ⁱ Bureau of Labor Statistics; Occupational Employment & Wages, May 2020; Website: <https://www.bls.gov/oes/current/oes231011.htm>.