

SUPPORTING STATEMENT

1. *Introduction:* The Federal Communications Commission (Commission or FCC) seeks to obtain the full three-year approval from the Office of Management and Budget (OMB) to extend the information collection under OMB Control Number 3060-1094, which supports the Commission's efforts to make more mid-band spectrum available. The Commission expects an increase in the number of responses for § 27.14(u) Construction Requirements and for § 27.1221 Interference Protection, and the Commission no longer needs to make new collections for § 27.1204. We are also revising estimates based on updated salary increases.

A. Information Collection Requirements:

Under OMB Control Number 3060-1094, the Commission is permitted to collect information associated with 47 CFR § 27.14(u) concerning construction requirements, 47 CFR § 27.1204 concerning the Tribal Priority Filing Window, and 47 CFR 27.1221(f) to help protect licensees from interference in the 2500-2690 MHz Band. The information collection requirements contained in this collection have not changed since last approved by OMB. They remain a part of this information collection. However, the current renewal, OMB Control Number 3060-1094 is being revised to update the burden estimates associated with 47 CFR §§ 27.14(u), 27.1221(f) and 27.1204.

For the purpose of this collection, an Educational Broadband Service (EBS) licensee may be required to comply with each of the following information-collection and recordkeeping requirements and a Broadband Radio Service (BRS) licensee may be required to comply with 47 CFR 27.1221(f).

(a) **Section 27.14(u)** requires EBS licensees to file construction notifications and demonstrate that they have met the applicable performance benchmarks.

(b) **Section 27.1204** requires an EBS applicant applying for a license in the Tribal Priority Filing Window to demonstrate that they are: (1) a federally recognized American Indian tribe or Alaska Native Village; or an entity that is owned and controlled by a federally-recognized Tribe or a consortium of federally-recognized Tribes; (2) requesting a license on Tribal land; (3) requesting a license in a rural area; and (4) have a local presence on the Tribal land for which they are applying.

(c) **Section 27.1221(f)** requires an BRS/EBS licensee to provide the geographic coordinates, the height above ground level of the center of radiation for each transmit and receive antenna, and the date transmissions commenced if requested by a co-channel licensee

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

The statutory authority for the Commission to carry out these collections are contained in 47 U.S.C. §§ 151, 152, 153, 154, 155, 157, 301, 302, 303, 307, 308, 309, 310, and 316.

The information collection requirements in this collection do not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. *Use of Information.* The Commission will use the information to reduce interference and to determine compliance with Commission rules.
3. *Technological collection techniques.* The Commission wants respondents to provide the requested information and notifications electronically through the Universal Licensing System (ULS). ULS is an electronic filing system that reduces the burden on respondents.
4. *Efforts to identify duplication.* There will be no duplicative information collected. The information sought is unique to the respondent and is not already available because, the Commission does not impose a separate similar information collection on the respondent. Thus, there is no similar data available under another information collection.
5. *Impact on small entities.* 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 for reducing interference and evaluating compliance with Commission rules.
6. *Consequences if information is not collected.* The information needs to be collected to reduce interference and ensure compliance with Commission regulations.
7. *Special circumstances.* No special circumstances exist for this collection.
8. Pursuant to 5 C.F.R § 1320.5(d), the Commission published a 60-day notice in the Federal Register on October 21, 2022 (87 FR 74033) seeking comments from the public on the information collection requirements contained in this collection. There were no comments received from the public.
9. *Payments or gifts to respondents.* Respondents will not receive any payments or gifts associated with this information collection.
10. *Assurances of confidentiality.* There is no need for confidentiality. Respondents or applicants may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.
11. *Questions of a sensitive nature.* The information collection requirements contained in this collection do not address any private matters of a sensitive nature.

12. Annual Burden: For the purpose of this information collection, the Commission estimates the number of respondent burden hours for each rule section which contains information collection requirements. The chart below outlines the number of respondents, frequency of response, time per response, and total annual burden hours for this collection.

Burden Hours Adjusted:

Because the Commission has issued additional licenses in the band, and because many of those new licensees will be required to file construction notifications during the next three years, the burden hours associated with Construction Requirements (47 CFR § 27.14(u)) have increased because more licensees will be required to demonstrate compliance with our construction requirements. With respect to Interference Protection (47 CFR § 27.1221(f)), the burden hours have decreased because, based on our experience, the majority of the required notifications are made by outside consultants. With respect to 47 CFR §§ 27.1204, while the Commission is still reviewing filings made during the Tribal Priority Filing Window, the Commission does not anticipate new filings because the Tribal Priority Filing Window has closed.

Adjusted Burden added to this information collection:

The in-house cost is reflective in the table below titled “Annual Burden.” We believe that 108 respondents will respond 123 times to § 27.14(u) annually and 100 will respond 400 times to § 27.1221(f) annually. However, we assume that respondents will use in-house staff to handle 25% of the responses for reporting for Sections 27.14(u) and 27.1221(f). We assume that the respondents will use an in-house staff attorney (\$71.17/hour)¹ or an in-house electronic engineer (\$55.53/hour)² to consult and prepare information.

The Commission calculates the annual burden hours for each rule to be as follows:

12 -	Burden on Respondents	Number of Respondents	Number of Annual Responses	Time per Response (Hours)	Total Burden Hours
a.	§ 27.14(u) Construction Requirements (On Occasion Reporting Requirement)	27	31	2	62
b.	§ 27.1204 EBS Tribal Priority Filing Window	0	0	0	0
c.	§ 27.1221(f) Interference Protection (Third party Disclosure)	25	100	.50	50

¹ United States Department of Labor, U.S. Bureau of Labor, Bureau of Labor Statistics, Occupational Employment Statistics, Occupational Employment and Wages, May 2021, 23-1011 Lawyers, National estimates for this occupation.

² United States Department of Labor, U.S. Bureau of Labor, Bureau of Labor Statistics, Occupational Employment Statistics, Occupational Employment and Wages, May 2021, 17-2072 Electronics Engineers, Except Computer, National estimates for this occupation.

	Requirement)				
	Total:				112

12-a. *Construction Requirements 47 CFR 27.14(u)*. The Commission adopted performance requirements that require EBS licensees to provide signal coverage and offer service to the license area’s population. The Commission believes that 31 responses which is 25% of the total 123 responses will be prepared by a respondent’s existing staff attorneys (“in-house”) at approx. \$71.17 per hour, and we estimate that it would take about 2 hours to complete this filing.

Annual Burden: 31 responses x 2 hours/response = **62 hours**.

In-house Cost: 31 responses x 2 hours/response x \$71.17 per hour Attorney) = **\$4,412.54**

12-b. *EBS Tribal Priority Filing Window 47 CFR 27.1204*: We estimate that the Commission will not incur any costs over the next three years to review EBS Tribal Priority Filings.

= 0 hours (this entry is on the statement merely to cover processing of pending filings .)

12-c. *Interference Protection 47 CFR 27.1221(f)*: The Commission requires an BRS/EBS licensee to provide the geographic coordinates, the height above ground level of the center of radiation for each transmit and receive antenna, and the date transmissions commenced if requested by a co-channel licensee. The Commission believes that 100 responses, which is 25% of the responses will be prepared by a respondent’s in-house electronic engineer at approx. \$55.53 per hour, and we estimate that it would take about .50 hour to complete this filing.

Annual Burden: 100 responses x .50 hours/response = **50 hours**

In-house Cost: 100 responses x .50 hours/response x \$55.53 per hour (Electronic Engineer) = **\$2,776.50**

TOTAL NUMBER OF RESPONDENTS: 27 + 0 + 25 = **52 Licensees**.

TOTAL NUMBER OF RESPONSES: 31 + 0 + 100 = **131 Responses**.

TOTAL ANNUAL BURDEN HOURS: 62 + 0 + 50 = **112 Hours**.

ANNUAL IN-HOUSE COST: \$4,412.54 + \$0 + \$2,776.50 = **\$7,189.00 (rounded)**.

13. Annual Consultant Cost “Annual Cost”: Applicants should not incur outside capital and start-up costs and/or operation and maintenance of purchase or services in connection with this information collection. However, we assume that the respondents will contract consultants to handle 75% of the response of reporting for Sections 27.14(u) and 27.1221(f) (see Item 12a and 12c above). The Commission assumes that the respondents will use a consultant engineer (\$250/hour) to consult and prepare some of the information.

13-	Burden on Respondents	Number of Respondents	Number of Annual Responses	Time per Response (Hours)	Total Burden Hours
a.	§ 27.14(u) Construction Requirements (On Occasion Reporting Requirement)	81	92	2	184
b.	§ 27.1204 EBS Tribal Priority Filing Window	0	0	0	0
C	§ 27.1221(f) Interference Protection	75	300	.50	150

13-a. *Construction Requirements 47 CFR 27.14(u)*. The Commission adopted performance requirements that require EBS licensees to provide signal coverage and offer service to the license area’s population. On average, the Commission believes that 92 of these filings will be prepared by a respondent’s consultant at approx. \$250 per hour, and we estimate that it would take about 2 hours to complete this filing. We assume that 108 (75 percent of the 123 respondents) and 75 (75 percent of 100 respondents) on behalf of the respondents. Annual Consultant Cost: 92 responses x 2 hours of engineer time per response x \$250/hour = \$46,000.

13-b. *EBS Tribal Priority Filing Window 47 CFR 27.1204*. We estimate that respondents will not incur any costs over the next three years to review EBS Tribal Priority Filings.

Annual Consultant Cost: \$0.

13-c. *Interference Protection 47 CFR 27.1221(f)*. The Commission requires an BRS/EBS licensee to provide the geographic coordinates, the height above ground level of the center of radiation for each transmit and receive antenna, and the date transmissions commenced if requested by a co-channel licensee. On average, the Commission believes that 300 of these filings will be prepared by a respondent’s consultant at approx. \$250 per hour, and we estimate that it would take about .50 hours to complete this filing.

Annual Consultant Cost: 300 responses x .50 hour of engineer time per response x \$250/hour = \$37,500.

13-a. §27.14(u) =	\$46,000.
13-b. §27.1204 =	\$ 0.
13-c. §27.1221(f) =	\$37,500.
Total Annual Cost Burden – Consultant	\$83,500.

Total Annual Cost (Consultant) \$83,500.

14. Federal Government Cost:

14-a. *Construction Requirements 47 CFR 27.14(u)*. The Commission adopted performance requirements that require EBS licensees to provide signal coverage and offer service to the license area's population. We estimate that, on average, the cost to the Commission for a GS 14 step 5 engineer³ at \$68.55 per hour and to take .5 hour to review the application.

123 licenses x .5 hours x \$68.55 = **\$4,215.83**.

14-b. *EBS Tribal Priority Filing Window 47 CFR 27.1204*. EBS Tribal Priority Filing Window 47 CFR 27.1204. We estimate that the Commission will not incur any costs over the next three years to review EBS Tribal Priority Filings.

Federal Government Cost: \$0.

14-c. *Interference Protection 47 CFR 27.1221(f)*. The Commission requires a BRS/EBS licensee to provide the geographic coordinates, the height above ground level of the center of radiation for each transmit and receive antenna, and the date transmissions commenced if requested by a co-channel licensee. The Commission does not review this information so it will not incur any costs.

Federal Government Cost: \$0

Total Cost to the Federal Government: \$4,215.83 + \$0. + \$0. = **\$4,216. (rounded)**.

15. *Program changes or adjustments to the collection*. There are no program changes to this collection. There are program changes to the collection as follows: increases of 26 to the number of respondents, the number of responses has decreased by 135, the annual burden hours have decreased by 109 hours and the annual costs have increased by \$11,500. These adjustments/increases are due to the expected increase of number of respondents.

16. *Collections of information whose results will be published*. The data will not be published for statistical use.

17. *Display of expiration date for OMB approval of information collection*. The Commission does not request OMB approval to not display the expiration date for OMB approval of the information collection. The Commission publishes a comprehensive listing of all OMB-approved information collections in 47.CFR 0.408. This listing "displays" the title of the collection, its OMB control number and OMB expiration date.

18. *Exceptions to certification statement for Paperwork Reduction Act submissions*. There are no exceptions to the certification statement.

³ OPM, Pay & Leave, Salaries & Wages, 2022 General Schedule (GS) Locality Pay Tables, Hourly Wages.

A. Collections of Information Employing Statistical Methods:

No statistical methods are employed.