

SUPPORTING STATEMENT

A. Justification:

1. On May 19, 2017, the Commission reformed its Part 95 rules. See Review of the Commission's Part 95 Personal Radio Service Rules, Report and Order, WT Docket 10-119, 32 FCC Rcd 4292 (2017). In that proceeding, the Commission renumbered certain Part 95 rules subject to this information collection without making substantive rule changes. For example, former rule § 95.861 is currently § 95.1961. We revise this information collection to make conforming changes to rule section numbering where applicable.

Section 95.1961(c) requires that licensees in the 218-219 MHz service must provide a copy of its plan to every TV Channel 13 station whose Grade B predicted contour overlaps the licensed service area as required by §95.1915(a) of the Commission's rules. This plan must include an analysis of the co- and adjacent channel interference potential of proposed systems in the 218-219 MHz service, identify methods being used to minimize interference, and show how the proposed systems will meet the service requirements set forth in § 95.1931 of the Commission's rules. This plan must be sent to the TV Channel 13 licensee(s) within 10 days from the date the 218-219 MHz service licensee submits the plan to the Commission. Updates to this plan must be sent to the TV Channel 13 licensee(s) within 10 days from the date that such updates are filed with the Commission pursuant to § 95.1915.

Section 95.1961(e) requires that each 218-219 MHz service licensee investigate and eliminate harmful interference to television broadcasting and reception, from its component cell transmitter stations (CTSs) and response transmitter units (RTUs) within 30 days of the time it is notified in writing, by either an affected television station, an affected viewer, or the Commission, of an interference complaint.

This information collection does not affect individuals or households. Thus, this information collection is not impacted by the Privacy Act¹.

The Commission is requesting Office of Management and Budget (OMB) approval of an extension to obtain the three year clearance.

Statutory authority for this collection of information is contained in 47 U.S.C. §§ 151, 154(i) and 157, as amended.

¹ OMB Memorandum M-03-22, Memorandum for Heads of Executive Departments and Agencies, *OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002*, September 26, 2003.

2. This information will be used to monitor the co- and adjacent channel interference potential of proposed systems in the 218-219 MHz service, to identify methods being used to minimize interference, and show how the proposed systems will meet the service requirements set for in § 95.1931 of the Commission's rules.
3. Prior to finalizing rule makings, the Wireless Telecommunications Bureau (Bureau) conducts an analysis to ensure that improved information technology may be used to reduce the burden on the public. This analysis uses current data in the Bureau's Universal Licensing System (ULS) to account for the number of licensees affected by § 95.1961 of the Commission's rules, in addition to an estimated number of licensees affected, resulting from a possible upcoming auction, which to date has not taken place.
4. No other federal agency collects this data.
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 for evaluating and processing applications and to deter against possible abuses.
6. The plan or updates must be sent to Channel 13 licensees within 10 days from the date the 218-219 MHz service submits the plan, and any update to the plan, to the Commission.
7. Current data collection is consistent with 5 C.F.R. § 1320.
8. The 60 day notice was published in the Federal Register on November 10, 2022 (87 FR 67912) seeking comments from the public on the information collection requirements contained in this collection. No comments were filed by the public for this collection.
9. Respondents will not receive any payments.
10. There is no need for confidentiality with this collection of information.
11. This collection does not address any private matters of a sensitive nature.
12. Currently, the ULS database indicates that all licensees in the 218-219 MHz service are beyond the initial renewal deadline and were required to provide service within the prior collection period or earlier. The possible re-auction of licenses in the inventory because they were not licensed in the prior auction but previously canceled because of voluntary request, non-construction, or failure to make required payments could occur during the next collection period, and licensees may also engage in secondary markets transactions. Licenses awarded

pursuant to any such auction would be subject to the requirements of § 95.1961, provided they are locating sufficient proximity to a Channel 13 television stations entitled to protection. Given changes in the distribution of Channel 13 licensees requiring protection and industry consolidation in this radio service, the Commission estimates that **30 licenses** may be subject to the filing, third party disclosure and recordkeeping requirements. The respondents will meet with the outside engineers/technical advisors to provide the necessary information to the parties so that the requirements can be fulfilled which will take the respondents one hour per response (including keeping records of the files).

30 (entities) x 1 hour consulting time/response/respondent = 30 hours.

Total Annual Burden is: 30 hours.

Total Number of Respondents: 30 licensees.

Total Number of Responses: 30 filings/third party disclosures/updates.

In-House Cost: The Commission estimates that in-house staff will be paid the equivalent of a GS-11 step 5 (\$40.70/hours) Federal Government employee to fulfill the requirements. Therefore, the in-house cost is as follows: 30 hours x \$40.70/hour = **\$1,221**.

13. Cost to Respondents. The Commission estimates that each entity will hire outside contract engineers/technical advisors to meet these filing, third party and update requirements at a cost of \$250.00 an hour.

30 responses x \$250.00 per hour x 1 hour/response = \$7,500.

Total Annual Cost Burden is: \$7,500.

14. Cost to Federal Government. The government review time per response for this submission is estimated at 15 minutes, with review being done by an Industry Analyst at the GS-11/5 level, at a cost of \$40.70 per hour.

30 (responses) x 0.25 per response/hour x \$40.70 per hour = \$305.25.

Total Cost to the Federal Government is: \$305 (rounded).

15. There are no program changes to this collection. There are adjustments of -10 to the number of respondents, -10 to the annual number of responses, -10 to the annual burden hours and -\$2,500 to the annual cost. These adjustments are due to decreases to the figures for this collection.

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

17. No expiration date will be displayed.

18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.