

Section 97.303(g)(2), Notification Requirement

SUPPORTING STATEMENT

A. Justification:

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitates the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Commission is seeking a renewal of information collection for paragraph (g)(2) of Section 97.303, Frequency Sharing Requirements, Amateur Radio Service, in order to obtain the full three year clearance from the Office of Management and Budget (OMB).

On March 29, 2017 the Federal Communications Commission released a Report and Order, *Amendment of Parts 2, 15, 80, 90, 97, and 101 of the Commission's Rules Regarding Implementation of the Final Acts of the World Radiocommunication Conference (Geneva, 2012) (WRC-12), Other Allocation Issues, and Related Rule Updates*, ET Docket No. 15-99, which, *inter alia*, amends the Commission's rules for the Amateur Radio Service to provide for frequency sharing requirements in the 135.7-137.8 kHz (2200 meter) and 472-479 kHz (630 meter) bands.

Electric utilities operate Power Line Carrier (PLC) systems in the 9-490 kHz band on power transmission lines for communications important to the reliability and security of electric service to the public. As a result of this amendment, the Amateur Radio Service will share 135.7-137.8 kHz and 472-479 kHz bands with PLC systems. To support the operations of both the Amateur Radio Service and PLC systems in these bands, the Commission adopted a minimum horizontal separation distance of one kilometer between the transmission line and the amateur station when operating in these bands. Prior to commencement of operations in these bands, amateur operators must notify the Utilities Telecom Council (UTC) of their intent by submitting their call signs, intended band or bands of operation, and the coordinates of their antenna's fixed location. Amateur stations will be permitted to commence operations after the 30-day period unless UTC notifies the station that its fixed location is located within one kilometer of PLC systems operating in the same or overlapping frequencies.

This information collection affect only individuals who are licensees in the Amateur Radio Service, *i.e.*, amateur operators. We note that the coordinates of an applicant's fixed site can be determined at no cost to the applicant through the use of commonly available means, *i.e.*, the applicant can use a dedicated GPS receiver, a mobile phone that also provides GPS capability, or an internet-based location service. Because the call signs of amateur operators are publicly available on the Commission's website, the collection of this information does not cause any additional impact under the Privacy Act and a Privacy Impact Assessment is not required.

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The Commission has authority for this information collection pursuant to Sections 4(i), 11, 301, 302, 303(e), 303(f), 303(r), 304, 307 and 332(b) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 161, 301, 302, 303(e), 303(f), 303(r), 304, 307 and 332(b).

§ 97.303 Frequency sharing requirements.

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(g) In the 2200 m and 630 m bands:

(1) Amateur stations in the 135.7-137.8 kHz (2200 m) and 472-479 kHz (630 m) bands shall only operate at fixed locations. Amateur stations shall not operate within a horizontal distance of one kilometer from a transmission line that conducts a power line carrier (PLC) signal in the 135.7-137.8 kHz or 472-479 kHz bands. Horizontal distance is measured from the station's antenna to the closest point on the transmission line.

(2) Prior to commencement of operations in the 135.7-137.8 kHz (2200 m) and/or 472-479 kHz (630 m) bands, amateur operators shall notify the Utilities Telecom Council (UTC) of their intent to operate by submitting their call signs, intended band or bands of operation, and the coordinates of their antenna's fixed location. Amateur stations will be permitted to commence operations after the 30-day period unless UTC notifies the station that its fixed location is located within one kilometer of PLC systems operating in the same or overlapping frequencies.

(3) Amateur stations in the 135.7-137.8 kHz (2200 m) band shall not cause harmful interference to, and shall accept interference from: (i) stations authorized by the United States Government in the fixed and maritime mobile services; (ii) stations authorized by other nations in the fixed, maritime mobile, and radionavigation service.

(4) Amateur stations in the 472-479 kHz (630 m) band shall not cause harmful interference to, and shall accept interference from: (i) stations authorized by the FCC in the maritime mobile service; (ii) stations authorized by other nations in the maritime mobile and aeronautical radionavigation services.

(5) Amateur stations causing harmful interference shall take all necessary measures to eliminate such interference – including temporary or permanent termination of transmissions.

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The Utilities Telecom Council (UTC) will use the intended band or bands of operation and the coordinates of their antenna's fixed location to determine whether the fixed location is located within one kilometer of PLC systems operating in the same or overlapping frequencies. The call sign would provide UTC with an optional means of determining if the applicant is eligible to operate in these frequency bands. Specifically, the call sign can be used to conduct an Amateur

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License Search of the Commission's Universal Licensing System, which would provide the licensee's name, license status, contact address, and operator class.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The notification process will be conducted using a third party's website; the Commission has no requirement/restriction on how third party notification is conducted. However, because amateur stations will be permitted to commence operations after the 30-day period unless the Utilities Telecom Council (UTC) notifies the applicant that its fixed location is located within one kilometer of Power Line Carrier (PLC) systems operating in the same or overlapping frequencies, the Commission believes that the notification request must be collected electronically in order to provide UTC with adequate time to consider the notification request.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

No similar information is available elsewhere.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Because amateur operators are not small businesses, there is no impact on small businesses.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

This information collection is necessary for the protection of Power Line Carrier (PLC) systems. Electric utilities operate PLC systems in these frequency bands on power transmission lines for communications important to the reliability and security of electric service to the public. The prior notification process will permit amateur stations to operate in many fixed locations without causing harmful interference to PLC systems. The information collection would occur only once for each fixed location. The Commission has stated that it would only permit amateur stations to operate in these frequency bands if it were comfortable that amateur stations and PLC systems could coexist. The prior notification requirement is

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necessary to ensure this coexistence. Therefore, the Commission asserts that this collection burden cannot be further reduced without significantly increasing the likelihood that harmful interference to PLC systems will occur.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB's guidelines: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances required for this collection of information.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB.

-Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The views of industry and the general public were solicited when the Commission published the Notice in the *Federal Register* on March 7, 2023 (88 FR 14166). The Commission received no comments in response to the Notice in the *Federal Register*.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

No gift or payments will be given to respondents for this collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

No information is requested that would require assurance of confidentiality.

11. Provide additional justification for any questions of a sensitive nature.

No sensitive information is required for this collection.

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12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.

The Commission estimates that 1000 amateur operators will file notifications each year during the 3-year collection period. The Commission estimates that each amateur operator will spend 10 minutes filling out the notification request. Thus, the “Total annual hours requested” = (1000 respondents) x (10 minutes/respondents) x (1 hour/60 minutes) = 167 hours.

Total Number of Respondents: 1,000
Total Annual Responses: 1,000
Total Annual Hourly Burden: 167 hours

13. Provide estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12 and 14).

The Utilities Telecom Council (UTC) maintains a database of PLC systems and it has volunteered to review the notification requests that will be submitted by amateur operations. UTC has not provided the Commission with any information on its expected costs to perform the necessary technical review. The expense would include providing a website for the submission of the notification requests, entering the notification requests into a database, determining whether the requested fixed location is within one kilometer of PLC systems operating in the same or overlapping frequencies, and notifying applicants of any conflicts. These expenses would be recovered through fees paid by the electric utilities that operate PLC systems.

14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expenses that would not have been incurred without this collection of information.

There is no annual cost to the Federal Government.

15. Explain the reasons for any program changes or adjustments reported.

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There are no adjustments or program changes to this information collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

The data will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

This information collection does not include any FCC Forms, therefore we are not seeking exemption from displaying the expiration date for OMB approval of this collection.

18. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

There are no exceptions to the Certification Statement.

B. Collection of Information Employing Statistical Methods:

This information collection does not employ statistical methods.