

SUPPORTING STATEMENT

A. Justification:

The Federal Communications Commission (Commission) is requesting that the Office of Management and Budget (OMB) to approve a revision to OMB Control No. 3060-0357 – Recognized Private Operating Agency – 47 CFR 63.701. The Commission is developing revised and new electronic forms for this collection as part of the Commission’s modernization of its online, web-based electronic filing system – the International Communications filing system (ICFS). This Supporting Statement seeks approval for the new and revised forms for requests to be designated as a Recognized Operating Agency (ROA), and reflects changes in the costs and burdens associated with these applications. As a result, this Supporting Statement reflects a decrease in the number of responses from 5 to 3 (decrease of 2 to the annual number of responses), decrease in annual burden hours from 19 to 8 hours (a decrease of 11 hours) and a decrease in annual costs from \$8,725 to \$4,810 (a decrease of \$3,915).

1. Explain the circumstances that make the collection of information necessary.

At the request of the U.S. Department of State (State Department), the Commission adopted a voluntary program by which companies that provide enhanced services could seek designation as a recognized private operating agency. The term recognized private operating agency was used in the International Telecommunication Convention, the international agreement that created the International Telecommunication Union (ITU), to refer to private-sector providers of international telecommunication services that had been “recognized” either by the government of the country in which they had been incorporated, or the country where they operated. Today, the term recognized private operating agency is interchangeable with the term recognized operating agency (ROA).

Most providers of international telecommunications services to or from the United States hold either an authorization under section 214 of the Communications Act or a radio license under section 301 of the Act. The issuance of such authorizations or licenses is public evidence that the U.S. government “recognizes” the entities to which they are issued. However, providers of enhanced services are not licensed or authorized. They are permitted to begin operations without any formal applications or notifications. It is not, therefore, immediately apparent to foreign governments that a U.S. enhanced service provider has been “recognized” within the meaning of the ITU Convention. As a consequence, such entities have sometimes found foreign governments unwilling to let them operate in those countries.

As a result, providers requested that the Commission and the State Department develop a program whereby enhanced service providers could be formally designated as ROAs. The program that was developed calls for those entities wishing to obtain such a designation to submit an application to the Commission setting forth pertinent information about the provider and the services it proposes to provide and a pledge by the provider that it would abide by all international obligations to which the U.S. is a signatory. The Commission places the application on public notice and allows interested parties to comment on the application.

The Commission then makes a recommendation, based on the application and comments, to the State Department either to grant or deny the request. The State Department then acts on the recommendation and notifies the ITU of any applications that it grants. ROA designation is voluntary. If an enhanced

service provider does not find such designation necessary, it is not required to file an application.

In order to implement this program, the Commission adopted 47 CFR § 63.701 to set forth the information that must be contained in an application for designation as an ROA. ROA designations do not have expiration dates. They continue indefinitely, unless revoked for cause. ROAs are not required to file any reports or other information with the Commission throughout their indefinite period of designation.

Any party requesting designation as an ROA within the meaning of the International Telecommunication Convention must file a request for such designation with the Commission. This filing includes a statement of the nature of the services to be provided and a statement that the applicant is aware that it is obligated under Article 6 of the ITU to obey the mandatory provisions thereof, and all regulations promulgated there under, and a pledge that it will engage in no conduct or operations that contravene such mandatory provisions and that it will otherwise obey the Convention and regulations in all respects. The applicant must also include a statement that it is aware that failure to comply will result in an order from the Commission to cease and desist from future violations of an ITU regulation and may result in revocation of its ROA status by the State Department .

ICFS Modernization of ROA Electronic Forms. The Commission seeks OMB approval of revisions to its ROA application forms and the addition of new forms that will be electronically filed through ICFS. The new online forms will ensure the Commission collects the information required by the Commission’s rules. The use of such online forms will reduce costs and administrative burdens on applicants, resulting in greater efficiencies, and improve transparency to the public. Once the Commission receives approval for the new forms from OMB, as required by section 1.10006 of the Commission’s rules, 47 CFR § 1.10006, we will announce the availability of mandated e-forms and their effective dates.

2. Indicate how, by whom, and for what purpose the information is to be used.

The Commission requests this information in order to make recommendations to the State Department for granting ROA status to requesting entities. The Commission does not require entities to request ROA status. Rather, this is a voluntary application process for use by companies that believe that obtaining ROA status will be beneficial in persuading foreign governments to allow them to conduct business abroad. ROA status also permits companies to join the ITU Telecommunications Sector, which is the standards-setting body of the ITU. The information furnished in POA requests is collected pursuant to 47 CFR § 63.701 of the Commission rules.

ICFS Modernization of ROA Electronic Forms. As part of the Commission’s modernization of ICFS, we are making substantive changes to the electronic ROA application forms and once OMB approves the new forms, applicants will be required to file their application in ICFS. The information will be used to ensure compliance with the Commission’s rules. In the Appendix we provide mock-up of the forms and the instructions. Below is a summary of the substantive revisions to the current form and a description of the new forms.

Name	Brief	Rule
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of Form	Description	Section
1. ROA-NEW: Recognized Operating Agency Filings	Revised form for any individual or corporation, other than a government establishment, that seeks recognition to operate an international public correspondence or radio service capable of causing harmful interference and upon which are imposed obligations provided for in Article 44 of the International Telecommunication Convention.	47 CFR § 63.701
2. ROA-AMD: Recognized Operating Agency – Amendment	New form to request to amend a pending ROA application.	47 CFR § 63.701
3. Recognized Operating Agency – Waiver request (ROA-WAV)	New form to request a stand-alone waiver of ROA requirements.	47 CFR § 63.701

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

The Commission has authority for this collection pursuant to Sections 4(i), 4(j), 201-205, 214 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(j), 201-25, 214 and 403.

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.

Currently 100% of ROA applications (ROA-NEW) are filed electronically through ICFS. Once OMB approves the revised ROA-NEW form and the new electronic ROA application forms (ROA-AMD and ROA-WAV), applicants will be required to e-file all applications associated with an ROA. Until that time, filers will continue to file their new applications (ROA-NEW) using the current electronic form through ICFS and must submit and amendment or waiver request in ICFS through an attachment. The new ICFS will allow filers to work more efficiently, which will reduce the time and effort spent on the filing of submarine cable applications.

4. Describe efforts to identify duplication.

The information collected in these applications is not duplicated elsewhere. Similar information is not available.

5. If the collection of information involves small businesses or other small entities, describe the

methods used to minimize burden.

This collection of information does not have a significant impact on small entities. Requesters for designation as ROAs traditionally are large entities. Also, the yearly volume of applications received by the Commission is minimal, and the paperwork burden per application is minimal.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Entities submit these applications on a voluntary basis. The collection of information is a one-time collection for each respondent. Without this information collection, the Commission's policies and objectives for assisting unregulated providers of enhanced services to enter the market for international enhanced services would be thwarted.

7. Describe if there are special circumstances associated with this request.

There are no special circumstances associated with this collection of information.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the Agency in response to those comments.

On April 6, 2023, a 60-day notice was published in the Federal Register (88 FR 20519) to request comments from the public on the information collection requirements contained in this collection. The comment period ended on June 5, 2023. No comments were received from the public.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

Respondents will not receive any payments or gifts.

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

Any applicants may request that any information supplied be withheld from public inspection, pursuant to 47 CFR § 0.459 of the FCC's rules. This request must be justified pursuant to 47 CFR § 0.457.

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

The collection does not contain questions of a sensitive nature.

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 chart shows the total number of responses and the combined burden hours for in-house staff and outside counsel to provide responses. We estimate that 50% of the burden hours are incurred in-house and 50% by outside counsel.

Information Collection	Number of Responses	Average Hours Per Response	Total Annual Hour Burden
Request for Designation as a Recognized Private Operating Agency ¹	2	6	12
Amendment of Pending ROA Application	1	3	3
Waiver of ROA Application Requirements	0 ²	3	0
Totals:	3	3-6	15

Cumulative Total Number of Respondents = 2 respondents
Cumulative Total Annual Responses = 3 responses
Cumulative Total Annual Burden Hours: = 15 hours

Therefore, the respondent’s burden hours are: 8 (rounded)

In-House Costs

We estimate that 50% of the burden hours are incurred by in-house staff. We estimate that in-house staff is paid at an estimated rate of \$40 per hour.

Total In-House Cost to Respondent – 15 hours X 50% X \$40 per hour = **\$300**

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Annual Burden Cost:

(a) Capital and Start-up Costs: None.

¹ 47 CFR § 63.701.

² To date the Commission has not received a request to waive the ROA rule, 47 CFR § 63.701.

(b) Operation and Maintenance Costs:

Outside Legal/Engineering Assistance. We estimate that the respondents will require outside legal and engineering assistance for 50% of the burden hours. The cost of outside legal and engineering assistance is estimated at \$300 per hour.³ The figure is based on a small survey of local firms in the D.C. area and is considered a conservative estimate.

15 hrs. x 50% x \$300 per hr. = \$2,250 Total Outside Legal/Engineering Costs

Application Fees. The Commission adopted a new schedule of application fees in 2020 and updated it in 2022.⁴ The current fees are shown in the table below.⁵

ROA Application Filing Fees	Number of Applicants Per Year	Application Fees	Cost
Application for ROA Status	2	\$1,280	\$2,560
Waiver	0	\$375	0
Totals	2		\$ 2,560

(c) Total Annual Cost Burden = \$2,250 + \$2,560 = **\$4,810.**

14. Provide estimates of annualized cost to the Federal government.

We make the following estimates for the total annual cost to the Federal Government to review and process the ROA applications that applicants file annually, in accordance with OMB guidance.⁶ While we are utilizing the best available cost information, there are certain limitations to our data. For example, we only have aggregated total costs for ICFS that are not broken down by incremental costs due to the difficulty in identifying with any more precision what those incremental costs are. We utilized the lowest cost collection and analysis methodology consistent with the ultimate purpose and goals of mandatory electronic filing, which are to simplify and reduce filing burdens for applicants and review burdens for the Federal Government.

³ The rules and requirements in this collection will not require respondents to maintain any special equipment.

⁴ *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, MD Docket No. 20-270, Report and Order, 35 FCC Rcd 15089 (2020), 86 FR 15026; Erratum, October 25, 2021, FCC 21-110. The Commission updates the application fees every even-numbered year, and most recently in 2022. See *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, MD Docket No. 20-270, Order, FCC 22-94 (rel. Dec. 16, 2022).

⁵ There is no fee for an amendment of an ROA application.

⁶ 5 CFR 1320.5(d)(iii) (“The agency shall also seek to minimize the cost to itself of collecting, processing, and using the information, but shall not do so by means of shifting disproportionate costs or burdens onto the public.”).

As the Commission stated in the *2020 Application Fees Notice* and adopted in the *2020 Application Fees Report and Order*, the review of all ROA applications includes industry analyst processing and review, staff attorney review, and supervisory attorney review and vary based on the complexity of the application.⁷ The Commission’s application fees are based on government costs for processing applications up through first line supervisor review.⁸ The Commission’s costs for review of applications up through the point of grant could, and in most instances, will exceed the costs through first line review. For example, these costs might include staff time for follow-up inquiries with applicants for additional information, higher-level supervisory review, and ICFS administrative work related to granting and tracking applications. The estimated Commission costs described below reflect these additional costs for complete processing and grant of ROA applications. The review and processing of the applications will be performed by one employee at the GS-14/Step 5 grade level (attorney), up to two employees at the GS-15/Step 5 grade level (supervisor attorneys), and one employee at the GS-11/Step 5 grade level (Industry Analyst).

Federal Government Staff	Number of Staff	Salary Per Hour	Total Hourly Cost	Annual Burden Hours	Annual Costs
GS-15/Step 5 Attorney	2	\$84.55	\$169.10	8	\$1,352.80
GS-14/Step 5 Attorney	1	\$71.88	\$71.88	18	\$1,293.84
GS-11/Step 5 Industry Analyst	1	\$42.68	\$42.68	12	\$512.16
	4				\$3,158.80

The combined cost to the Government is \$3,158.80.

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

The changes in this revision are associated with revisions to current form and new forms required for ROA applicants that increase the burden hour estimates for this collection. The number of responses has been adjusted to reflect the actual number of filings over the past three years (2020-2022) and the revised application fees. The Commission has also reevaluated and raised the estimate of how many hours outside counsel spend assisting respondents prepare and submit ROA applications and filings. Therefore, the Commission’s program changes for the collection are as follows: -3 to the number of respondents (from 5 to 2), -2 to the annual number of responses (from 5 to 3), -11 to the annual burden hours (from 19

⁷ *2020 Application Fees Report and Order; Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 Through 1.1109 of the Commission’s Rules*, MD Docket No. 20-270, Notice of Proposed Rulemaking, 36 FCC Rcd 1618, paras. 160-161 (2020).

⁸ *2020 Application Fees Report and Order*, 35 FCC Rcd. at 15093, para. 12 (“We estimated the direct labor costs to process a particular application by multiplying an estimate of the number of hours needed for each task, up through first-level supervisory tasks required to process the application. . .”).

to 8) and -\$3,915 to the annual cost (from \$8,725 to \$4,810).

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

The Commission does not plan to publish the information for statistical use.

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

No waiver is necessary.

18. Exceptions to “Certification for Paperwork Reduction Submissions.”

There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods.

This collection of information does not anticipate the use of statistical methods.

