Sections 90.1207(e)–(f), Amendment of Part 90 of the Commission's Rules **3060-XXXX**
July 2023

SUPPORTING STATEMENT

A. Justification:

1. Explain in detail the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Provide a copy of the appropriate section of each statue and regulation mandating or authorizing the information collection.

On January 18, 2023, the Commission released a Seventh Report and Order in WP Docket No. 07-100 which adds new Sections 90.1207(e) and (f) to the Commission's rules requiring incumbent public safety licensees and public safety applicants in the 4940-4990 MHz (4.9 GHz) band to submit granular technical data into the Commission's Universal Licensing System (ULS). Section 90.1207(e) requires applicants seeking to license new or modify existing facilities to submit granular technical data on their proposed operations into ULS. Section 90.1207(f) requires incumbent licensees to perform a one-time submission into ULS of the granular data specified in paragraph (e) for their existing operations and gives incumbent licensees at least a one-year period to complete this one-time collection.

Prior to the Seventh Report and Order, licenses in the 4.9 GHz band were issued geographic area licenses encompassing the legal jurisdiction of the licensee and permitting operation on any channel over the entire 50 megahertz of the band. The geographic area license gave each licensee blanket authority to operate base stations and mobile units (including portables and handheld units) and/or temporary (one year or less) fixed stations anywhere within its authorized area. This licensing scheme meant that licenses often overlapped with one or more geographic area licenses covering a given location and authorizing operations on the same spectrum in the same area.

The Seventh Report and Order established a new Band Manger for the 4.9 GHz band who would be responsible for: (1) frequency coordination; (2) crafting recommendations for how best to incorporate the latest commercially available technologies into the band; and (3) facilitating non-public safety access. Furthermore, the Commission concluded in the Seventh Report and Order that collecting additional technical data on public safety operations will improve interference protection and give public safety licensees more confidence in the band without adding a significant burden on licensees or applicants. The Commission indicated that having more granular technical data on public safety deployments will help the newly established Band Manager perform its duties and enable non-public safety use of excess capacity in the band without causing interference to public safety licensees. Specifically, the Band Manager will use the granular technical data collected in ULS on public safety operations to perform frequency coordination and will be empowered to work with public safety licensees to ensure efficient use of this spectrum and enable new, non-commercial operations on a secondary, preemptable basis.

The Commission concluded that ULS can be modified to collect the more granular technical data on public safety deployments in the 4.9 GHz band and directed the Wireless Telecommunications Bureau and the Public Safety and Homeland Security Bureau (collectively the Bureaus) to make any necessary enhancements to ULS.

Therefore, in new Section 90.1207(e)(1), the Commission directs applicants seeking to license base/mobile, mobile-only or temporary fixed stations to submit with their applications to ULS: coordinates (base), antenna height above average terrain (base), center frequency, emission designator,

effective radiated power, number of units (mobile and temporary fixed), and area of operation (mobile and temporary fixed). Furthermore, in new Section 90.1207(e)(2), the Commission directs applicants seeking to license permanent fixed point-to-point (P-P), point-to-multi-point (P-M) and fixed receiver stations to submit with their applications to ULS: transmitter and receiver antenna coordinates, frequencies, polarizations, tolerance, effective isotropic radiated power, emission designator, type of modulation, antenna model, gain, antenna center line height(s) above ground level and ground elevation above mean sea level, and path azimuth and distance.

Finally, in new Section 90.1207(f), the Commission gives incumbent licensees at least one year from publication of the Seventh Report and Order in the Federal Register to submit the data specified in paragraph (e) into ULS for their current operations. The Commission stated it believed one year was sufficient time to allow licensees to confirm the necessary information about their existing deployments, and that this requirement would not be unduly burdensome for licensees, which already operate and maintain these deployments.

This information collection requirement does not affect individuals or households; thus; there is no impact under the Privacy Act.

The Commission is now submitting this new information collection to the Office of Management and Budget (OMB) to obtain the full three-year clearance.

Statutory authority for this information collection is contained in 47 U.S.C. §§ 154(i), 161, 303(g), 303(r), 332(c)(7), and 1401-1473 of the Communications Act of 1934 as amended.

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 Band Manager will use the granular technical data in ULS on public safety deployments to perform its frequency coordination duties and facilitate non-public safety access to the band.

In the Seventh Report and Order, the Commission assigned to the Band Manager responsibility for performing the frequency coordination function for public safety applicants seeking to license new or modify existing facilities in the band. As a frequency coordinator, the Band Manager will review applications from public safety entities seeking to license new or modify existing facilities in the 4.9 GHz band before they are filed with the Commission. It will use the granular technical data in ULS on public safety deployments to determine if the proposed operation would cause interference to incumbent licensees or previously filed applicants. Without the technical data in ULS, the Band Manager would be unable to fulfill its duties as frequency coordinator to ensure that applicants proposing new or modified operations in the band cause no harmful interference to incumbent licensees or previously filed applicants once the applicant's facilities are deployed.

The Commission also modified its rules to allow non-public safety entities to access the 4.9 GHz band on a secondary basis to, and subject to preemption by, public safety licensees and assigned authority to the Band Manager to facilitate that access through a spectrum leasing framework. The Band Manager will rely on the granular technical data in ULS on public safety deployments to determine where opportunities exist for non-public safety entities to deploy facilities on unused spectrum in the band. Without the technical data in ULS, the Band Manager would be unable to determine where there is unused spectrum in the band.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical or other technological techniques or other forms of information technology, e.g., permitting electronic submissions of responses, and the basis for the decision for adopting this means of collection.

Public safety incumbents and applicants will submit the granular technical data electronically into ULS using FCC Form 601.

4. Describe efforts to identify duplication.

No other federal agency requires or collects the technical data described here.

5. If the collection of information will have significant economic impacts on small businesses, organizations or other small entities, describe any methods used to minimize the burden on these entities.

In conformance with the Paperwork Reduction Act of 1995, the Commission makes an effort to minimize the burden of information collection on all its applicants and licensees regardless of size. To that end, we minimize the burden on incumbent licensees and applicants who need to submit granular technical data per Sections 90.1207(e) and (f) of the Commission's rules by using a form that licensees and applicants are already familiar.

Incumbent public safety licensees and public safety applicants submitting the granular technical data into ULS per Sections 90.1207(e) and (f) of the Commission's rules will use FCC Form 601. Public safety entities are familiar with FCC Form 601 since they currently use it to obtain licenses for operations in the 4.9 GHz band. Furthermore, public safety licensees submit the granular technical data specified in Section 90.1207(e) of the Commission's rules using FCC Form 601 for operations in other frequency bands.

Finally, for incumbent licensees which will submit granular technical data on existing operations per Section 90.1207(f) of the Commission's rules, we minimize the burden by requiring incumbent licensees to only submit the data only one time into ULS for their existing operations. Incumbent licensees will be required to submit additional granular technical data into ULS only if they seek to modify existing operations or deploy new operations in the band.

6. Describe the consequences 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 the burden.

A consequence of not collecting granular technical data on public safety deployments in the 4.9 GHz band is that that public safety licensees would be subject to more interference and the Band Manager would be unable to identify unused spectrum for leasing to non-public safety entities.

As noted above, the Band Manager, as part of its frequency coordinator duties, will use the granular technical data in ULS on public safety deployments to determine if applicants seeking to deploy facilities in the band would cause interference to incumbent licensees or previously filed applicants. Without the granular technical detail, the Band Manager would be unable to perform an interference analysis and public safety licensees would be subject to more interference as applicants deploy new or modified facilities in the band.

Furthermore, the Band Manager will rely on the granular technical data in ULS on public safety deployments to determine where there are opportunities for non-public safety entities to deploy facilities on unused spectrum in the band through a leasing framework. Without the granular data, the Band Manager would be unable to identify unused spectrum in the band for use by non-public safety entities and the public safety community would lose out on the benefits that flow from expanded use of the 4.9 GHz band such as a larger device ecosystem with lower cost equipment and more innovation.

7. Explain any special circumstances that would cause an information collected in a manner inconsistent with OMB's guidelines which are stated in 5 C.F.R. § 1320.5(d)(2).

The information collection required by Sections 90.1207(e) and (f) is consistent with the guidelines in 5 C.F.R. § 1320.5(d)(2).

8. Identify the date and page number of publication in the Federal Register of the agency's Paperwork Reduction Act (PRA) 60-day notice, required by 5 C.F.R. § 1320.8(d), soliciting comments on the information collection requirement(s) prior to submission to OMB.

The Commission initiated a 60-day public comment period which was published in the Federal Register on May 1, 2023 (88 FR 26542). No comments were received as a result of the Notice. A copy of the Federal Register Notice is referenced in this submission to the OMB.

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

Incumbent public safety licensees or public safety applicants submitting granular technical data per Sections 90.1207(e) and (f) of the Commission's rules receive no gifts or payments.

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

The Commission does not require incumbent licensees or applicants filing granular technical data into ULS per Sections 90.1207(e) and (f) of the Commission's rules to include confidential information.

Pursuant to § 208(b) of the E-Government Act of 2002, 44 U.S.C.A. § 3501, in conformance with the Privacy Act of 1974, 5 U.S.C. § 552(a), the Commission instructs applicants to use the FCC's ULS, ASR, Commission Registrations System (CORES) and related systems and subsystems to submit information.[1] CORES is used to receive an FCC Registration Number (FRN) and password, after which one must register all current call sign and Antenna Structure Registration (ASR) numbers associated with a FRN within the Commission's system of records (ULS database). Although ULS stores all information pertaining to the individual license via the FRN, confidential information is accessible only by persons or entities that hold the password for each account, and the Bureau's Licensing Division staff. By requesting an FRN, the individual applicant/licensee consents to make publicly available, via the ULS database, all information that is not confidential in nature.

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

The Commission does not require incumbent licensees or applicants to include sensitive information when filing granular technical data into ULS per Sections 90.1207(e) and (f) of the Commission's rules.

[1] These instructions have been approved by the Office of Management and Budget (OMB) under Control Number 3060-1042.

Nonetheless, in instances where licensees provide personally identifiable information (PII), the Commission has a System of Records Notice (SORN), FCC/WTB-1, and "Wireless Services Licensing Records," to cover the collection, use storage, and destruction of PII. A full explanation of the safeguards may be found in the Privacy Impact Assessment that the FCC completed on June 2, 2007 and that may be viewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.

12. Provide estimates of the burden hours for the collection of information.

Below we estimate the annual burden hours for incumbent licensees and applicants to collect the granular technical data for submission into ULS per Sections 90.1207(e) and (f).

Section 90.1207(e) requires public safety applicants seeking to license new or modified facilities in the 4.9 GHz band to submit granular data on their proposed operations into ULS. Once collected, applicants will use FCC Form 601 to submit the data. As an initial matter, we estimate it will take each applicant two business days or 16 hours (assuming an eight-hour work day) to collect the technical detail required by this Section and prepare it for entry into ULS using FCC Form 601. Between January 1, 2022 and November 1, 2022 the Commission granted a total of 161 applications by applicants seeking to license new or modify existing facilities in the 4.9 GHz band. Assuming the rate of applications remains constant for the entire year, the Commission can expect to grant approximately 188 applications for new or modified facilities in the 4.9 GHz band for the 2022 calendar year.

Using the numbers above, we now estimate the annual burden on applicants of the information collection specified in Section 90.1207(e).

Number of Respondents: 188 (applicants per year).

Total Number of Annual Responses: 1 submission per applicant x 188 applicants = 188 (submissions per year)

Frequency of Response: One submission per application.

Total Annual Burden Hours: 188 applications x 16 hours = 3,008 hours [for applicants to submit granular technical data into ULS per Section 90.1207(e)].

We now estimate the in-house costs to applicants of the information collection specified in Section 90.1207(e). We estimate that half of all applicants will use in-house staff at $50 per hour to collect the data specified in Section 90.1207(e). Therefore, we estimate an annual in-house cost to applicants as follows:

Annual In-house Cost: 3,008 hours x 0.5 x $50/hour = $75,200 [for applicants to submit granular technical data into ULS per Section 90.1207(e)].

Section 90.1207(f) requires incumbent public safety licensees to perform a one-time submission into ULS of the granular data specified in paragraph (e) for their existing operations. It gives incumbent licensees at least one year from the publication of the Seventh Report and Order in the Federal Register to submit the data. Incumbent licensees will use FCC Form 601 to submit the data. As of September 7, 2022, there were 3,683 public safety entities holding active licenses or special temporary authority (STA) authorizations for the 4.9 GHz band. Although we give licensees a year to submit the data, we estimate that it will take on average each licensee four weeks or 160 hours (assuming a 40-hour work week) to

inventory their existing operations, collect the appropriate technical information and prepare the granular technical data for submission into ULS using FCC Form 601.

Using the numbers above, we now estimate the annual burden on incumbent licensees for the one-time information collection specified in Section 90.1207(f).

Number of Respondents: 3,683 (incumbent licensees).

Total Number of Annual Responses: 1 submission x 3,683 incumbents = 3,683 (submissions)

Frequency of Response: One-time submission.

Total Annual Burden Hours: 3,683 submissions x 160 hours = 589,280 hours [for incumbent licensees to perform a one-time submission of granular technical data into ULS per Section 90.1207(f)].

We now estimate the in-house costs to licensees of the one-time information collection specified in Section 90.1207(f). We estimate that seventy-five percent of licensees will use in-house staff at $50 per hour to collect the appropriate technical information on their existing deployments and submit the granular technical data into ULS using FCC Form 601. Therefore, we estimate an annual in-house cost to incumbent public safety licensees as follows:

Annual In-house Cost: 589,280 hours x 0.75 x $50/hour = $22,098,000 [for incumbent licensees to perform a one-time submission of granular technical data into ULS per Section 90.1207(f)].

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. Do not include the cost of any burden hours shown in items 12 and 14.

Below we estimate the annual outside cost burden for incumbent licensees and applicants to collect the granular technical data for submission into ULS per Sections 90.1207(e) and (f). Using the numbers cited above, we estimate that half of all applicants will use outside consultants at $100 per hour to collect the data specified in Section 90.1207(e)**.**

Annual Outside Cost: 3,008 hours x 0.5 x $100/hour = $150,400 [for applicants to submit granular technical data into ULS per Section 90.1207(e)].

We also estimate that twenty-five percent of incumbent public safety licensees will use outside consultants at $100 per hour to collect the data specified in Section 90.1207(f).

Annual Outside Cost: 589,280 hours x 0.25 x $100/hour = $14,732,000 [for incumbent licensees to perform a one-time submission of granular technical data into ULS per Section 90.1207(f)].

We now estimate the total annual outside cost for incumbent licensees and applicants to collect the granular technical data for submission into ULS per Sections 90.1207(e) and (f).

Total Annual Outside Cost: $150,400 [for applicants to submit granular technical data into ULS per Section 90.1207(e)] + $14,732,000 [for incumbent licensees to perform a one-time submission of granular technical data into ULS per Section 90.1207(f)] = $14,882,400

Finally, there are no application fees for incumbent public safety licensees or public safety applicants to submit the granular technical detail into ULS per Sections 90.1207(e) or (f).

Total annual capital/start-up costs: None.
Total annualized costs (O&M): $14,882,400.
Total annualized cost requested: $14,882,400.

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

There is no annualized cost to the Commission resulting from the collection of granular technical data in ULS on deployments in the 4.9 GHz band per Sections 90.1207(e) and (f) of the Commission's rules.

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

This is a new information collection resulting in a program change. There are increases in the total respondents of 3,871 annual responses of 3,871, total annual burden hours of 592,288 and total annual cost of $14,882,400 as a result of the information collection specified in Sections 90.1207(e) and 90.1207(f). These estimates will be added to OMB's Active Inventory.

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

The Commission will not publish any results from the information collected pursuant to Sections 90.1207(e) and (f).

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

The Commission is not requesting OMB approval to not display the OMB expiration date. OMB control numbers and expiration dates for the Commission's information collection requirements assigned by OMB pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13 can be found at *https://www.reginfo.gov/public/do/PRAMain* *See* 47 CFR § 0.408.

18. Explain any exceptions to the statement certifying compliance with 5 CFR § 1320.9 and the related provisions of 5 CFR § 1320.8(b)(3).

There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

The Commission is not employing any statistical methods with regard to this information collection.