

The Commission is seeking OMB approval for an extension of this information collection. There are no changes in the reporting, recordkeeping and/or third-party disclosure requirements. There is no change in the Commission's burden estimates.

SUPPORTING STATEMENT

Title: Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees – Notice Requirement Section 90.209

A. Justification:

1. On May 24, 2012, the Federal Communications Commission (FCC or Commission) adopted a Report and Order (R&O), WT Docket Nos. 12-64 and 11-110, which adopted a rule change to provide channel spacing and bandwidth flexibility to Economic Area (EA)-based 800 MHz Specialized Mobile Radio (SMR) spectrum licensees.

In the R&O, the Commission added section 90.209(b)(7) to allow EA-based 800 MHz SMR licensees in 813.5-824/858.5-869 MHz to exceed the channel spacing and bandwidth limitation in Section 90.209 of the Commission's rules, subject to conditions. The rule change allows EA-based 800 MHz SMR licensees to exceed the channel spacing and bandwidth limitation for the 813.5-824/858.5-869 MHz band in National Public Safety Planning Advisory Committee (NPSPAC) regions where all 800 MHz public safety licensees in the region have completed band reconfiguration. Further, in NPSPAC regions where reconfiguration is incomplete, the Commission allows EA-based 800 MHz SMR licensees to exceed the channel spacing and bandwidth limitation only in the 813.5-821/858.5-866 MHz band.

To further protect 800 MHz public safety licensees against any potential increased interference, the Commission requires all EA-based 800 MHz SMR licensees to provide at least 30 days written notice to public safety licensees with base stations in the NPSPAC region where an EA-based 800 MHz SMR licensee intends to exceed the channel spacing and bandwidth limitation and to public safety licensees with base stations within 113 kilometers (70 miles) of the affected NPSPAC region border.

800 MHz Public Safety Licensee Notification. Section 90.209(b)(7), 47 CFR 90.209(b)(7), requires EA-based 800 MHz SMR licensees authorized to exceed the standard channel spacing and authorized bandwidth under Section 90.209(b)(5) to provide at least 30 days written notice prior to initiating service in the 813.5-824/858.5-869 MHz band to every 800 MHz public safety licensee with a base station in the affected NPSPAC region, and every 800 MHz public safety licensee within 113 kilometers (70 miles) of the affected region.

To comply with this obligation, covered entities must determine the NPSPAC region or regions in which the licensee will exceed the channelization or bandwidth limitation. Then the licensee must determine the 800 MHz public safety licensees with base stations within the region or regions, and the 800 MHz public safety licensees within 70 miles of the border of the NPSPAC region or regions. After acquiring the relevant contact information for affected 800 MHz public safety licensees, licensees must transmit a written notice to the relevant 800 MHz public safety licensees. Licensees must include the estimated date of operation in the notice.

Statutory authority for this information collection is 47 USC 151, 152, 154, 301, 302(a), 303, 307, and 308 unless otherwise noted.

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

2. The information collection is necessary to enable EA-based 800 MHz SMR licensees that intend to exceed the channelization requirement and bandwidth limitation in Section 90.209 to provide notice to 800 MHz public safety licensees that may be affected. With notice, these entities can increase monitoring of their systems to check for any interference, and will be better able to troubleshoot any interference issues that may occur.
3. The Commission's Wireless Telecommunications Bureau conducts an analysis to ensure that improved information technology may be used to reduce the burden on the public. This analysis considers the flexibility of licensees to provide the required notice in any written format available.
4. The Commission does not impose a similar information collection requirement on the affected licensees.
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 notice requirements to those absolutely necessary.
6. This notice is necessary to allow EA-based 800 MHz SMR licensees to exceed the channel spacing and bandwidth limitation, thereby allowing the licensees to more effectively compete with other commercial wireless providers, to consumers' benefit. Licensees must collect the information in order to provide the required notice to 800 MHz public safety licensees. The notice helps to ensure that 800 MHz public safety licensees are not impacted by EA-based 800 MHz SMR licensees exceeding the channel spacing and bandwidth requirement in the Commission's rules.
7. There are no special circumstances that would require collections to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.

8. The Commission initiated a 60-day public comment period by publishing a Notice in the Federal Register on July 20, 2023 (88 FR 46796) which sought comments from the public on the information collection requirements contained in this collection. No PRA comments were received.
9. Respondents will not receive any payments associated with this collection of information.
10. There is no need for confidentiality with this collection of information.
11. This information collection does not address any private matters of a sensitive nature.
12. **The annual burden hours for the 8 licensees subject to this information collection are as follows:**

According to the Commission's Universal Licensing System (ULS) database, there are approximately 8 EA-based 800 MHz licensees in the 813.5-824/858.5-869 MHz band that may be required to transmit notices to 800 MHz public safety licensees that they intend to exceed the channel spacing and bandwidth limitation. Licensees are not obligated to exceed the channel spacing and bandwidth limitation, and can only do so if they meet the conditions as described herein. Moreover, the number of information collections per year will decrease over time as the notices are required only once (prior to commencement of wide-band operation in the area at issue).

Below we developed a theoretical average for a licensee that conducts the information collection in one year. We first developed an average hour burden for the amount of time it will take licensees to collect the relevant contact information for 800 MHz public safety licensees within NPSPAC regions and 70 miles from the border of NPSPAC regions. We then developed an average hour burden for the transmission of the required notice to 800 MHz public safety licensees.

Contact Information Collection: We estimate below the amount of time it will take a licensee to determine the 800 MHz public safety licensees within a NPSPAC region and within 70 miles of the region, and to collect the necessary contact information for each 800 MHz public safety licensee. For the purpose of this estimate, we exclude the largest licensee, because we assume the licensee already has the necessary information. The largest licensee is obligated under an FCC decision to relocate 800 MHz public safety licensees to a different part of the 800 MHz band (see FCC 04-168). Because of this process, the licensee should have current access to the contact and location information for affected 800 MHz public safety licensees.

For the remaining 7 licensees, we estimate that based on the average number of licenses per EA and the average number of EAs per NPSPAC region, each licensee will need to conduct the information collection for an average of 2.1 NPSPAC regions (rounded to 2) (including 70 miles from the border of the region). We estimate that it takes approximately 4 hours to complete the

information collection for one NPSPAC region and the 70 mile zone around the border of the region. We estimate that 7 licensees will use contract engineers to meet this requirement while the remaining 1 licensee will use in-house staff. Therefore:

$$2 \text{ NPSPAC regions} \times 4 \text{ hours/region (in-house engineer)} = 8 \text{ hours}$$

Total Contact Information Collection Burden Hours: 8 hours

Notice: We assume that once the relevant contact information is acquired, it will take all 8 licensees 30 minutes each to prepare and generate the required notices for 800 MHz public safety licensees in applicable NPSPAC regions and 800 MHz licensees within 70 miles from the border of the regions. We estimate that all 8 licensees will use in-house administrative staff to prepare and generate the required notices. Therefore:

$$8 \text{ licensees} \times 0.5 \text{ hours (in-house administrative staff)} = 4 \text{ hours}$$

Total Notice Hours: 4 hours

TOTAL ANNUAL BURDEN TO RESPONDENTS = 8 + 4 = 12 hours

TOTAL NUMBER OF RESPONDENTS: 8.

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In-House Cost: The in-house engineering staff is estimated to have an hourly wage of \$36/hour. We assume only one licensee will utilize in-house staff to complete the contact information collection, and all licensees will utilize in-house administrative staff to complete the notice requirement. The hourly wage for in-house administrative staff is estimated at \$19/hour. Therefore:

a) $1 \text{ licensee (in-house engineer)} \times 8 \text{ hours} \times \$36/\text{hour} = \$288.00$

b) $4 \text{ hours} \times \$19/\text{hour} = \76

TOTAL ANNUAL IN-HOUSE COST BURDEN = \$288.00 + \$76.00 = \$364.00.

13. **Provide an estimate of 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).**

Contract Cost: We assume that 7 licensees will utilize outside contractors to determine the 800 MHz public safety licensees within a NPSPAC region and 70 miles from the border of the region, and to collect the necessary contact information for the relevant 800 MHz public safety licensees to which the licensee will have to provide notice. The estimated average rate for a contract engineer to complete the information collection for one NPSPAC region and 70 miles from the border of the region is \$250/hour. Therefore:

7 licensees (contract engineer) x 8 hours x \$250/hour = **\$14,000.00**

TOTAL ANNUAL COST BURDEN: \$14,000.00

14. There is no annual estimated cost to the government.
15. The Commission does not have any program changes regarding this collection, but has revised the burden associated with this collection because the number of affected licensees have dropped since the collection was last approved by OMB. Therefore, the following adjustments are reported for this collection: -16 to the number of respondents, -16 to the annual number of responses, -8 to the annual burden hours and -\$32,000 to the annual cost.
16. The data will not be published for statistical use.
17. We do not seek approval to not display the expiration date for OMB approval of the information collection.
18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.